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*George L. Bateman.*

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H. A. Talman

FROM THE  
**Vermont Historical Society,**  
MONTPELIER, VT.

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M. D. GILMAN, Librarian.

OF THE

106955

GOVERNOR AND COUNCIL

OF THE

STATE OF VERMONT.

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VOLUME VIII.

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EDITED AND PUBLISHED BY AUTHORITY OF THE STATE  
By E. P. WALTON.

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# FIFTY-FIFTH COUNCIL.

OCTOBER 1831 TO OCTOBER 1832.

---

WILLIAM A. PALMER, Danville, *Governor*.  
LEBBEUS EGERTON, Randolph, *Lieut. Governor*.

*Councillors:*

|                                 |                                |
|---------------------------------|--------------------------------|
| BENJAMIN F. DEMING, Danville,   | RICHARDSON GRAVES, Concord,    |
| HENRY F. JAMES, Waterbury,      | JOHN PHELPS, Guilford,         |
| ZIMRI HOWE, Castleton,          | NATHAN LEAVENWORTH, Hines-     |
| DANIEL COBB, Strafford,         | burgh,                         |
| JASPER ROBINSON, Brownington,   | SAMUEL S. PHELPS, Middlebury,  |
| SAMUEL C. LOVELAND, Reading,    | JOHN S. PETTIBONE, Manchester. |
| JOSEPH H. BRAINERD, St. Albans, |                                |

GEORGE B. SHAW, Danville, to Oct. 19, 1831,  
EDWARD D. BARBER, Middlebury, from Oct. 19, 1831, } *Secretaries.*

RAWSEL R. KEITH, Montpelier, *Sheriff*.

AZEL SPALDING, Montpelier, to Oct. 18, 1831,  
FERRAND F. MERRILL, Montpelier, from Oct. 18, 1831, } *Librarians.*

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## BIOGRAPHICAL NOTICES.

WILLIAM ADAMS PALMER was born in Hebron, Connecticut, Sept. 12 1781, son of Stephen and Susannah Palmer, who came to this country from England previous to the revolutionary war. Having in his youth lost a part of one hand by an accident, he was induced to choose a professional life, and studied law in the office of John Thompson Peters of Hebron, who removed to Hartford and became a judge of the Supreme Court of Connecticut. About the time he was of age, Mr. Palmer came to Chelsea, Vt., and after studying in the office of Hon. Daniel Buck, especially in reference to the state statutes, and the rules of practice in the courts of Vermont, he was admitted to the bar of Orange County. Thereupon, seeking a place for settlement, he visited Brownington, and spent a short time in the law-office of Hon. William Baxter; next went to Derby, and not liking the prospect there, he settled in St. Johnsbury about 1805. In 1807 he was appointed Judge of Probate for Caledonia



County, and also County Clerk, and removed to Danville. His public offices were numerous, and three of them of the highest dignity. He was County Clerk 1807 until 1815; Judge of Probate 1807, and 1811 until 1817; Representative of Danville in the General Assemblies of 1811 and '12, 1818, 1825, and 1829; State Senator 1836 and '7; Delegate in the Constitutional Conventions of 1828, 1836, and 1850; Judge of the Supreme Court in 1816, and was re-elected in 1817 but declined the office; United States Senator Oct. 1818 till March 4, 1825, having been elected Oct. 20, 1818, both to fill the unexpired term of James Fisk and the full succeeding term. Having voted for the Missouri compromise of 1820, he was for a time unpopular, but he became Governor in 1831 and held the office until Oct. 1835, when there was no election to that office either by the people or the Legislature, and Silas H. Jenison became Governor by virtue of his election as Lieutenant Governor. Gov. Palmer died at Danville Dec. 3, 1860.—*Vermont Historical Magazine*, Vol. I, p. 319; *Deming's Catalogue*; *Drake's Dictionary of American Biography*; and *Vermont Legislative Directory* for 1876-'7.

LEBBEUS EGERTON was probably a native of Randolph. April 30, 1813, he was appointed Captain in the thirty-first U. S. regiment of infantry, for service in the war of 1812-'15. This post he resigned Jan. 11, 1814, but on Prevost's invasion in September of that year, Mr. Egerton offered his services, was elected Captain of a company of volunteers from Randolph and adjoining towns, and marched for Plattsburgh, reaching that place on the next day after the battle. He represented Randolph in the General Assemblies of 1825 and '26, and the Constitutional Convention of 1828, was town clerk March 1830 until March 1833, Lieutenant Governor 1831 until 1835, State Senator 1837 and '39, and from February 1833 until October 1836 was superintendent of the construction of the state-house at Montpelier.—*Thompson's Vermont*; *Vt. Historical Magazine*; and *Vt. Legislative Directory* for 1876-'77.

ZIMRI HOWE was born in Poultney in 1786, graduated at Middlebury College in 1810, admitted to the bar in 1813, and in the last named year settled in Castleton, where he remained until his death in 1863. He was an active promoter of every good work in his town, county, and state, and served as Assistant Judge of Rutland County Court 1838 until 1844, was Councillor 1831 until 1835, and member of the State Senate 1836 and '37.—*Vt. Historical Magazine*, Vol. III, p. 524.

DANIEL COBB was a lawyer in Strafford in 1813, and a good lawyer, with the somewhat uncommon habit of discouraging litigation. He represented Strafford in the General Assembly 1815 until 1818, 1824-'5, and 1841-'2; was Assistant Judge of Orange County Court 1824 until 1833, also in 1834, 1837, 1839 and 1842; Councillor 1831 until 1835; and State Senator in 1837 and 1839. He died July 26, 1868, aged 81 years.—*Vt. Historical Magazine*, Vol. II, p. 1071; and *Deming's Catalogue*.

JASPER ROBINSON was one of the prominent men who were early citizens of Brownington. He represented Brownington in the General Assembly 1825, 1827 and '8, and was elected in 1831, but served in the Council; was a Judge of Orleans County Court 1828 and '9 and 1831 and '2, and Councillor 1831 until 1835.—Deming's *Catalogue*.

SAMUEL C. LOVELAND, a clergyman of the Universalist denomination, represented Reading in the General Assembly 1824-'5 and 1827-'8; was Assistant Judge of Windsor County Court in 1832 and '33, and Councillor 1831 until 1834. He prepared a Lexicon of the Greek Testament, which was printed at Woodstock in 1828.—Deming's *Catalogue*; and Thompson's *Vermont*.

JOSEPH HUNGERFORD BRAINERD, of St. Albans, admitted to the bar in 1825, was Clerk of the Courts of Franklin County 1834 until 1872, thirty-eight years, Register of Probate Court 1843 until 1846, and 1858, and Councillor 1831 until 1834.—*Vt. Historical Magazine*; Deming's *Catalogue*; and Walton's *Vermont Register*.

RICHARDSON GRAVES represented Concord in the General Assembly 1809 and '10, and 1813 and '14; was Assistant Judge of Essex County Court 1821, 1823-'4, 1831, and 1834; and was Councillor 1831 until 1834. *Vt. Historical Magazine*, Vol. I, p. 971; and Deming's *Catalogue*.

JOHN PHELPS, grand-son of Charles Phelps and oldest son of Timothy—two gentlemen who were quite troublesome to Vermont in the controversy with New York—was born at Marlborough, Nov. 18, 1777. He represented Guilford in the General Assembly 1814 and 1818; was Register of Probate 1809 until 1812 and again in 1837; a member of the Council of Censors in 1820, and 1834; Councillor 1831 and '32, and State Senator in 1837. In 1831 he married Almira Hart, widow of Simeon Lincoln, and sister of Emma Hart Willard. Both of these ladies were eminent teachers, and Mrs. Phelps was one of the most voluminous and successful female authors in this country. Some of the biographical dictionaries assign the death of Mr. Phelps to 1848 and others to 1849. The *Vermont Watchman and State Journal* notes his death at "Patapsco Institute, Maryland, April 14, 1849, aged 73 years." If the foregoing date of birth is correct, he was in his seventy-second year.—B. H. Hall's *History of Eastern Vermont*, p. 694; Drake's *Dictionary of American Biography*; and Deming's *Catalogue*.

NATHAN LEAVENWORTH was born in New Milford, Conn., in 1764, and came to Hinesburgh in 1787, of which town he soon became a leading citizen. From 1796 to 1830, Gen. Leavenworth represented Hinesburgh in the General Assembly twenty-one years, and he was its delegate in the Constitutional Convention of 1822. He was a Presidential Elector in 1832; and Councillor 1831 and '32. He died in Sept.

1849, aged eighty-five years.—*Vt. Historical Magazine*, Vol. I, p. 802 ; *Vt. Legislative Directory* 1876-'77 ; and *Deming's Catalogue*.

SAMUEL SHEATHAR PHELPS was born in Litchfield, Conn., May 13, 1793, and graduated at Yale College in 1811. He spent the winter of 1812 at Litchfield (Conn.) Law School, and in the spring of that year came to Middlebury and entered the law office of Hon. Horatio Seymour. On the opening of the war of 1812-'15 he was drafted and served as a private until the autumn of 1812, when he was appointed paymaster in the United States service. On his return to Middlebury he resumed the study of the law and was admitted to the bar in December 1814 and entered upon a successful and extensive practice. He was a member of the Council of Censors in 1827, and wrote the address of that body to the people of the state ; a marked feature in which was an argument for a Senate, possessing powers co-ordinate with the House of Representatives, in place of the Council,—a proposition which then failed, but was adopted at the next septenary. Mr. Phelps was Councillor in 1831, and was elected a Judge of the Supreme Court, which office he held and magnified until 1838. He was U. S. Senator, by two elections, 1839-1851 ; and again, by appointment of the Governor, 1853-4. According to the rule always accepted from the admission of Vermont to the Union, some citizen of eastern Vermont should have received this appointment, but the nomination of a Whig as judge of the Supreme Court was pending before the Senate with the prospect of a close vote, Judge Phelps was in Washington, and it was doubtful whether a new appointee, then residing in Vermont, could reach Washington in time. In these peculiar circumstances, the Vermont delegation in Congress urged Gov. Fairbanks to appoint Judge Phelps, and the appointment was made. Certainly an abler lawyer, judge, and senator could not have been found in Vermont. Judge Phelps died at Middlebury, March 25, 1855, in the sixty-second year of his age.—Swift's *History of Middlebury*, p. 293.

JOHN S. PETTIBONE represented Manchester in the General Assembly 1822, 1825, 1827 until 1830, 1833, and 1842 ; was Judge of Probate 1818 until 1824, and in 1835 ; and was Councillor 1831 and 1835.—*Deming's Catalogue*.

EDWARD D. BARBER, born in New York, was a graduate of Middlebury College in 1829, when he became editor of the *Animasonic Republican* until 1832, and of the *Middlebury Free Press* 1832 until 1836. He was the Secretary of the Council 1831, representative of Middlebury in the General Assembly 1832 and 1833, and Clerk of that body 1834. He was admitted to the bar in 1834, and died Aug. 23, 1855, aged forty-nine years.—Swift's *History of Middlebury*.

RECORDS OF THE GOVERNOR AND COUNCIL

AT THE

SESSION OF THE GENERAL ASSEMBLY AT MONTPELIER,  
OCTOBER 1831.

---

Journal of the proceedings of the Governor and Council, at their session, which was begun and holden at Montpelier, on the second Thursday being the thirteenth day of October, in the year of our LORD one thousand eight hundred and thirty-one, Present His Excellency Samuel C. Crafts, Governor, His Honor, Mark Richards, L<sup>t</sup> Governor, Mr. Allen, Mr. Clark of Windham County, Mr. Harris, Mr. Janes, Mr. Pierpoint, Mr. Worthington of the Council.

A message was received from the House of Representatives, by Mr. Adams, one of its members, informing that the house had organized, by electing John Smith, Speaker *pro tem.* and Timothy Merrill Clerk *pro tem.* and were ready to receive any communication which the Governor and Council might make. *Ordered* that the Secretary inform the House of Representatives, that the Governor and a quorum of the Council are assembled in Council Chamber, and are ready to proceed to business.

A message was received from the H. of Rep<sup>t</sup> by Mr. Lyman of Hartford, one of its members, informing that the House Had on their part appointed a Canvassing Committee to join such Committee as may be appointed by the Gov. & Council—Whereupon *Resolved* to concur in said appointment, and Messrs. Pierpoint, Clark of Windham County and Janes, were appointed from Council and were duly sworn, by his Excellency the Gov. to the faithful execution of the duties of said appointment. *Ordered* that the Secretary inform the House &c. Adjourned to 4 O'clock P. M.<sup>1</sup>

4 O'CLOCK P. M.—The Gov. & Council met agreeably to adjournment. Adjourned to 9 O'Clock to-morrow morning.

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FRIDAY, Oct. 14, 1831, 9 O'clock A. M.

The Gov. & Council met &c. Mr. Deming appeared and took his seat.

A message was received from the House of Rep<sup>t</sup> by Mr. Warner, one of its members, informing that the House was ready to meet the Gov. & Council for the purpose of receiving the report of the Canvassing Committee. *Ordered* that the Secretary inform the House that the Gov. & Council will immediately attend in the Rep<sup>t</sup> room for the purpose of receiving the report of the Canvassing Committee. The Governor and Council attended in the Representatives' room for the purpose of receiving the report of the Canvassing Committee—When the following re-

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<sup>1</sup>The election sermon was preached by Rev. Leland Howard.

port was made, to wit. (See Journals of Gen<sup>l</sup> Assembly,) after which they returned to their Chamber.<sup>1</sup>

Messrs. Deming, Janes, Howe, Cobb, Samuel S. Phelps, Loveland, John Phelps, Pettibone, & Graves, who had been elected Councillors for the year ensuing, appeared in the Council Chamber and were duly sworn into said office by the Hon. Dan Carpenter, Assis<sup>t</sup> Justice of Washington County Court.

The Council proceeded to organize and made choice of Hon. Mr. Deming President *pro tem*. *Ordered*, that the Secretary inform the House &c. Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—The Council met &c. Hon. Joseph H. Brainerd, who was elected a member of the Council, appeared in the Council Chamber, and was duly sworn into office by Hon. S. S. Phelps, and took his seat.

The House sent up for concurrence the following resolution, to wit, "Resolved, the Council concurring herein, that both Houses meet in the Representatives' room at 4 o'clock this afternoon, for the purpose of electing a Governor and Lieutenant Governor for the year ensuing,"

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<sup>1</sup> The report was as follows :

*To the Hon. General Assembly, now sitting :* The joint committee, appointed to receive, sort and count the votes for Governor, Lieutenant Governor, Treasurer and Councillors, respectfully report, That they have attended to the business of their appointment, and that the votes returned for Governor are as follows :

|                        |        |
|------------------------|--------|
| For William A. Palmer, | 15,258 |
| For Heman Allen,       | 12,990 |
| For Ezra Meech,        | 6,158  |
| Scattering,            | 270    |

Your committee therefore report, that the freemen have not elected a Governor for the year ensuing.

Your committee further report, that the votes returned for Lieutenant Governor are as follows :

|                         |        |
|-------------------------|--------|
| For Lebbeus Egerton,    | 15,190 |
| For Jedediah H. Harris, | 12,736 |
| For John Roberts,       | 6,127  |
| Scattering,             | 46     |

Your committee therefore report, that the freemen have not elected a Lieutenant Governor for the year ensuing.

Your committee further report, that Benjamin Swan is elected Treasurer of this state for the year ensuing ; and that John Phelps, John S. Pettibone, Samuel C. Loveland, Zimri Howe, Daniel Cobb, Samuel S. Phelps, Nathan Leavenworth, Henry F. Janes, Joseph H. Brainerd, Benjamin F. Deming, Jasper Robinson, and Richardson Graves are elected Councillors for the year ensuing.

Montpelier, Oct. 13th, 1831.

R. PIERPOINT, *Chairman*.  
TIMOTHY FOLLETT, *Clerk*.

The votes for Treasurer were, for Benjamin Swan 19,118, Augustine Clark 14,205, and scattering 39. Mr. Swan was on both the National Republican and Democratic tickets. The highest Antimasonic vote for Councillor was for Henry F. Janes 15,239 ; though Samuel S. Phelps was on both the Antimasonic and Democratic tickets. The highest National Republican vote for Councillor was 13,000 for Robert Pierpoint, and the highest Democratic 6,277 for Lyman Fitch.

Which was read. Whereupon *Resolved* to concur & *Ordered* that the Secy inform the House of such concurrence.

The Council proceeded, agreeably to joint resolution, to the Representatives' room, and after balloting unsuccessfully for Governor they returned to the [Council] Chamber. Adjourned to 9 O'clock to morrow morning.

SATURDAY Oct. 15<sup>th</sup> 1831. 9 O'clock A. M.

The Council met &c. The Hon. Nathan Leavenworth & Jasper Robinson, who were elected members of the Council for the year ensuing, appeared in the Council Chamber, were duly sworn into said office by Hon. Mr. Phelps of Addison County, and took their seats as members of the Council.

A message was received from the House by Mr. Sargeant, one of its members, informing that the House had elected Timothy Merrill Secretary of State and Charles Davis Clerk for the year ensuing.

The Council proceeded to the Representatives' room for the purpose of attending to the election of a Governor and Lieutenant Governor, when William A. Palmer was elected Governor and Lebbeus Egerton was elected Lieutenant Governor of this state for the year ensuing by the joint ballot of both Houses. The Council then returned to their chamber and Adjourned to 2 O'clock P. M.<sup>1</sup>

2 O'CLOCK P. M.—The Council met &c. Rec<sup>d</sup> for concurrence the following resolution, to wit—"Resolved: the Hon. Council concurring herein, that both Houses meet in Joint Com<sup>ss</sup> in the Rep<sup>a</sup> room at 2 O'clock this afternoon, for the purpose of electing a Chaplain of the Gen<sup>l</sup> Assembly for the year ensuing." Read & *Resolved* to concur. *Ordered* &c.

Rec<sup>d</sup> also the following resolution, to wit, "Resolved, the Council, &c. that both Houses meet in County Conventions on Monday next at three O'clock in the afternoon for the purpose of making nominations of County officers, and that they meet in joint committee in the Rep<sup>a</sup> room on Tuesday morning at the opening of the House for the purpose of electing such officers." Read & *Ordered* to lie on [the] table.

The Council attended in the Rep<sup>a</sup> room for the purpose of electing a Chaplain of the Gen<sup>l</sup> Assembly for the year ensuing, and after attending to said election, they returned to their Chamber.<sup>2</sup>

Adjourned to 9 O'clock Monday morning.

<sup>1</sup> The *Vermont Watchman & State Gazette* gave the ballotings as follows:

|  | 1st. | 2d. | 3d. | 4th. | 5th. | 6th. | 7th. | 8th. | 9th |
|--|------|-----|-----|------|------|------|------|------|-----|
| William A. Palmer, Antimason,          | 111  | 110 | 110 | 113  | 113  | 113  | 113  | 111  | 114 |
| Heman Allen, National Republican,      | 61   | 54  | 47  | 50   | 49   | 48   | 49   | 43   | 36  |
| Ezra Mesch, Democrat,                  | 38   | 38  | 36  | 43   | 41   | 42   | 42   | 44   | 42  |
| Samuel C. Crafts, National Republican, | 14   | 21  | 30  | 21   | 23   | 23   | 22   | 27   | 35  |
| Scattering,                            | 0    | 2   | 1   | 0    | 1    | 1    | 0    | 1    | 0   |

Lebbeus Egerton was elected Lieut. Governor on the first ballot: Egerton 110, Jedediah H. Harris 60, John Roberts 40, scattering 9.

<sup>2</sup> Rev. Leland Howard was elected.

MONDAY October 17<sup>th</sup>. 9 O'clock A. M.

The Council met &c. A message was received from the House of Rep<sup>s</sup> by Mr. Campbell, one of its members, informing that the House had elected John Smith Esq. [of St. Albans] Speaker and Daniel P. Thompson Engrossing Clerk for the year ensuing.

His Honor Lebbeus Egerton, elected L<sup>t</sup> Governor for the year ensuing, appeared in the Council Chamber, and was duly sworn into office by Hon. Mr. Deming, and took his seat.

The resolution assigning a time for the meeting of both Houses in County Conventions, &c. which was on Saturday laid on the table, was called up and amended by striking out the word "Monday" in the 2<sup>nd</sup> line and inserting in lieu thereof the word "Tuesday," [and by striking out the word "Tuesday"] in the 5<sup>th</sup> line and inserting in lieu thereof the word "Wednesday." Whereupon *Resolved* to concur in passing as amended & *Ordered* &c. Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M. The Council met &c. L<sup>t</sup> Governor Egerton in the Chair. Mr. Miller of the House appeared and informed that the House had concurred in the amendts proposed by the Council to the resolution assigning a time for County Conventions &c.

Rec<sup>d</sup> for concurrence &c. the following resolution, to wit, "Resolved, the Gov. & Council &c. That both Houses meet in the Rep<sup>s</sup> room at ten o'clock on Thursday morning next for the purpose of electing Judges of the Supreme Court." Read &c. *Resolved* to concur & *Ordered* &c.

Rec<sup>d</sup> also the following resolution, to wit, Resolved, the Gov. &c. that a Committee of four to join from Council be appointed to enquire into the expedi<sup>t</sup> of making an appropriation for the purpose of erecting a monument to the memory of Ethan Allen late Brig. Gen<sup>l</sup> in the American Army, & report by bill or otherwise." Read & *Resolved* to concur & Mr. Pettibone was appointed from Council.<sup>1</sup>

Rec<sup>d</sup> also the following resolution, to wit, "Resolved, the Gov. &c. that the Gen<sup>l</sup> Com<sup>rs</sup> be directed to enquire into the expediency of reducing the tax on licences to Hawkers & Pedlars." Read & *Resolved* to concur.

Rec<sup>d</sup> also the following, to wit, "Resolved, the Gov. &c. that the jud<sup>y</sup> Com<sup>rs</sup> be instructed to enquire into the Exp<sup>t</sup> of so amending the probate law as to limit the time when persons absent from their families or residence and unheard of, shall be considered as dead; so as to authorize the probate court to proceed in the settlement of their Estates. And

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<sup>1</sup> Allen, as a Brigadier General commissioned by Vermont and engaged in the revolutionary war, was in that sense only a "Brig. Gen<sup>l</sup> in the American Army." Vermont has erected an imaginary statue of him in the state-house at Montpelier, and another in the statuary hall of the capitol at Washington. Still another statue surmounts Allen's monument at Burlington. No portrait of Allen has ever been found, though it has been supposed that Col. Trumbull of Connecticut painted one, and rumored that a portrait was once in Montreal. Of course the various statues, which are unlike, cannot be regarded as actual representations of the man. The statues at Montpelier and in the national capitol are by the same sculptor, yet the one at Montpelier represents a stalwart man, and the other a brave boy in a military uniform which Allen never wore. Yet the statue of Allen at Washington attracts more attention than any other now in the national hall.

further to see what amendments or additions should be made in those sections of the probate law that provide for the appointment of guardians for idiots, non-compos, lunatic or distracted persons—and report by bill or otherwise.” Read & Resolved to concur.

Mr. Phelps of Addison County, from the Committee appointed in joint Com<sup>ee</sup> of both Houses to inform the Hon. W. A. Palmer and the Hon. Lebbeus Egerton of their elections &c. made the following report, which was read:<sup>1</sup>

To the General Assembly now sitting : The Committee appointed in joint Committee of both Houses to wait on the Hon. William A. Palmer and the Hon. Lebbeus Egerton, and notify them of their election to the offices of Governor and Lieutenant Governor, respectfully Report That they have performed the duty assigned them and that his Excellency the Governor elect has directed your Committee to notify the two Houses of his acceptance of said office, and that he will advise the House of Representatives through their Speaker of the time when he will attend in the Representatives' Hall to take the oath of office and make the customary communication. His Honor the Lieutenant Governor has directed your Committee to notify the two Houses of his acceptance of said office and that he will attend in the Council chamber this morning (the 17th) to take the oath of office.

SAMUEL S. PHELPS, For Committee.

The petition of Orlando Ward, a prisoner in the com. jail in Rutland County, was taken up and fine & cost remitted. Yeas 11. Nays 0. Those who voted in the affirmative were Messrs. Brainerd, Deming, Graves, Howe, Janes, Leavenworth, Loveland, Pettibone, Phelps of Addison County, Phelps of Windham County, and Robinson.

The Petitions of Tisdale Johnson, Stephen Johnson, Truman Hagar, & Moses Langley, Prisoners Confined in Rutland County jail, were taken up, and severally *Ordered* to lie on the table. Adjourned to 2 O'clock P. M. [Tuesday 9 o'clock A. M.]

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TUESDAY Oct. 18. 9 O'clock A. M.

The Council met &c. L<sup>t</sup> Gov. Egerton in the Chair. Mr. Howe introduced the following resolution, to wit, “Resolved that the Secretary be directed to procure, for the Governor, Lieut. Governor and each member of the Council, three of the newspapers printed in Mont-Pelier each week during the present session of the Legislature.” Which was read and passed.

The Governor & Council attended in the Rep<sup>a</sup> room, where his Excy the Governor took the Oath prescribed and made the following Communication,<sup>2</sup> after which they returned to their Chamber.

Azel Spalding, Librarian, having resigned that office, Ferrand F. Merrill was duly elected Librarian for the year ensuing.

The Petition of Stephen Johnson, which was yesterday laid on the table, was taken up and again *Ordered* to lie on the table. The Petition of Nathaniel Brown, a convict in the State prison, was taken up, and on

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<sup>1</sup> The Secretary here referred to an appendix of the manuscript record for this report. In the same way he postponed other papers, and the yeas and nays of the session. As it is not possible in the printed record to make the references necessary in such a system of keeping a journal, the papers and votes are here inserted in their proper places.

<sup>2</sup> See Appendix A.



motion of Mr. Loveland *Ordered* to lie on the table. Adjourned to O'clock P. M.

2 O'CLOCK P. M. The Gov. & Council met &c. The petition of Avery T. Fay, a prisoner confined in the common jail in Windsor County, was taken up and *Ordered* to be dismissed. The petition of John Blake, a prisoner in Windsor County jail, was taken up & *Ordered* to lie on the table. Adjourned to 9 O'clock Tomorrow Morning.

WEDNESDAY Oct. 19<sup>th</sup>. 9 O'clock A. M.

The Gov. & Council met &c. His Excy the Governor was pleased to appoint Edward D. Barber, of Middlebury, Secretary of the Governor & Council for the year ensuing—and he was duly sworn to the faithful execution of the duties of said office by Hon. Mr. Deming. *Ordered* that the Secretary in making up the debenture of the Council, allow George B. Shaw, late Secretary of the Gov. & Council, one Dollar and fifty Cents per day for five days' services, after the expiration of his term of Office.

The petition of James H. Howe, for the remission of a fine imposed by the sentence of a Court Martial, was taken up and *Ordered* to lie on the table. The petition of Henry Connery, a state prison convict, was taken up & *Ordered* to lie on the table.

Rec<sup>d</sup> from the House the following list of standing committees :

|   |   |    |   |
|---|---|----|---|
| A Committee of four denominated the Com. of Ways & Means. |   |    |   |
| "   | " | 4  | " The Com. on milit <sup>y</sup> affairs. |
| "   | " | 4  | " " Judiciary Committee.                  |
| "   | " | 4  | " " Com. of Claims.                       |
| "   | " | 4  | " " " of Roads and Canals.                |
| "   | " | 4  | " " " Insolvency.                         |
| "   | " | 4  | " " " Manufactures.                       |
| "   | " | 4  | " " " Agriculture.                        |
| "   | " | 4  | " " Land Tax Committee.                   |
| "   | " | 13 | " " General Committee.                    |
| "   | " | 4  | " " Com <sup>ee</sup> on Education.       |

His Exc<sup>y</sup> announced the appointment of the following gentlemen on the several standing Committees, to Wit,

On the Com. of Ways & Means Mr. Phelps of W.

" " " " Milit<sup>y</sup> Affairs L<sup>t</sup> Gov. Egerton.

" " " " Judiciary Com<sup>ee</sup>. Mr. Phelps of A.

" " " " Com. of Claims Mr. Howe.

" " " " Roads and Canals Mr. Pettibone.

" " " " of Insolvency Mr. Cobb.

" " " " Manufactures Mr. Graves.

" " " " Agriculture Mr. Leavenworth.

" " " " Land Tax Com<sup>ee</sup> Mr. Robinson.

" " " " Gen<sup>l</sup>. Committee Mr. Loveland.

" " " " Com : on Education Mr. Brainerd.

" " " " Com : on Banks Mr. Janes.

The L<sup>t</sup> Gov. & Council proceeded to the Rep<sup>s</sup> room agreeably to the Joint resolution of both Houses and attended to the appointment of County officers, after which they returned to their Chamber. Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—The Governor & Council met. The petition of Horace Allen was called up and on motion of Mr. Janes the prisoner was discharged under the act. Yeas 11. Nays 0. Those who voted in the affirmative are Messrs. Brainerd, Cobb, Deming, Graves, Howe,

Janes, Leavenworth, Pettibone, Loveland, Phelps of W., Robinson. Mr. Phelps of Addison County was excused from voting. The petitions of James Converse & Peter Rosenbury, convicts in the State prison, were taken up and on Motion of Mr. Loveland *Ordered* to lie on the table. The Petition of Elliot C. Hill, a discharged convict, for restoration to all his rights as a citizen, was taken up and on motion of Mr. Phelps of W. a *pardon* was granted. Yeas 11. Nays 0. Those who vote in the affirmative are Messrs. Brainerd, Cobb, Deming, Graves, Howe, Janes, Leavenworth, Pettibone, Phelps of A., Phelps of W., and Robinson. Mr. Loveland was excused from voting. Adjourned to 9 O'clock tomorrow morning.

THURSDAY Oct. 20<sup>th</sup>.

The Gov. & Council met &c Received from the House for concurrence the following resolution, to wit, "Resolved, the Gov. & Council concurring herein, That the General Committee be instructed to enquire into the expediency of establishing County poor Houses, and report by bill or otherwise." Read and *Resolved* to Concur. Also the following, to wit, "Resolved, the Governor and Council concurring herein, that the Judiciary Com. be instructed to enquire into the expediency of establishing a Court of Chancery in this State, & that they report by bill or otherwise." Read and *Resolved* to Concur. Also the following, to wit, "Resolved, the Gov. & Council concurring herein, that the Judiciary Com. be instructed to enquire into the expediency of allowing witnesses attending the Supreme and County Courts the same fees which are now allowed by law to jurymen attending said Courts." Read and *Resolved* to Concur.

The House sent up for Concurrence in the reference the following, to wit, "An Act repealing an Act relating to Roads & Bridges." Referred to Gen<sup>l</sup> Committee. Petition of Christopher Webber and others Do. Do. Petition of Samuel Chipman and others Do. Do. Pet. of Edmund Darrin and others, Do. Do. Pet. of Moses Strong and others Do. Do.

|   |  |
|---|--|
| Petition of Samuel B. Hayward and others                                      | Refer <sup>d</sup> to Gen <sup>l</sup> Com <sup>ss</sup> . |
| Pet. of John Pattin " others  | " " " "  |
| Pet. of Pliny Parker " others   | " " " "  |
| Pet. of Lem <sup>l</sup> B. Platt " others                                    | " " " "  |
| Pet. of David Rice " others   | " " " "  |
| Pet. of Job Bates " others  | " " " "  |
| Pet. of Zerah B. Thomas   | " "Com <sup>ss</sup> of Claims.                            |
| Pet. of Nancy Thompson  | " "Do. Do.   |
| Pet. of Judah Lord  | " "Do. Do.   |
| Pet. of Benj. F. Haskell  | " " "  |
| Pet. of Select Men of Pawlet  | " " "  |
| Mr. Hodges' Report relative to Acc. John Jackson                              | " " "  |
| An Act directing the Treas. to pay David Harrington the sum therein mentioned | " " "  |
| Pet. of John McDuffie   | " " "  |
| " of Richard Ransom and others  | " " "  |
| " of Jonathan Buck and others   | " " "  |
| " of Carlos Coolidge and others   | " " "  |
| " of William B. Pratt   | " " "  |

Resolution, to wit, "Resolved, the Gov. & Council concurring herein, that the sum of one hundred dollars be allowed the Washington Artillery Company yearly as a remuneration for their Services in attending

upon the Gov. & Council of this State." [Reference to the Committee of Claims concurred in.]

|  |  |
|--|--|
| Pet. of Nathaniel Cobb   | Jud. Com.  |
| " of Wm. Taggart   | " "  |
| " of Alexander Frazer  | " "  |
| " of Select Men of Ripton  | " "  |
| " An Act in addition to an Act for the punishment of certain inferior crimes and misdemeanors," Jud. Com :   | " An Act in Addition to several Acts providing for the appointment of Notaries Public," Jud. Com <sup>ee</sup> . |
| " An Act in amendment of an Act in Addition to an Act directing the proceedings against the Justices [trustees] of absconding debtors and the several Acts in addition thereto," | " "  |
| " An act in addition to an Act entitled an Act empowering the Judges of the Supreme Court to grant Bills of Divorce in certain cases,"   | " "  |
| " An Act repealing the 7th section of an Act therein mentioned,"   | " "  |
| " An Act to repeal an Act therein mentioned,"  | " "  |
| " An Act in relation to Imprisonment for Debt,"  | " "  |
| " An Act making further provision for the partition of real estate,"   | " "  |
| " An Act in addition to an Act establishing Probate Courts &c."  | " "  |
| " An Act in addition to an Act entitled ' An Act relating to Roads and Bridges,' passed Nov. 10, 1830,"  | " "  |
| Remonstrance of James Pearse & others,   | " "  |
| Petition of John Wright and others, Refer <sup>d</sup> to Com. Rds. & Canals.  |  |
| Pet. of Green Mountain Turnpike Co   | " "  |
| Pet. of Warren,  | " "  |
| Pet. of the Select men of town of Roxbury,   | " "  |
| Pet. of Geo. A. Foster and others,   | " "  |
| Pet. of Searsburgh Turnpike Co   | " "  |
| Pet. of Robert Temple & others,  | " "  |
| Pet. of Francis Goodhue & others,  | " "  |
| Pet. of Select men of Moretown,  | " "  |
| Pet. of Benajah Dean,  | " "  |
| Pet. of John Niles,  | " "  |
| Pet. of Daniel Mills and others,   | " "  |
| Remonstrance of F. V. Goodrich & others,   | " "  |
| Maine Resolution,  | " "  |
| " An Act relating to the appointment and duties of Inspectors of Hops,"  | Ref <sup>d</sup> to Com <sup>ee</sup> of Agriculture.  |
| Pet. of N. Gould and others,   | " "  |
| " An act to Incorporate the President, Directors and Company of the Bank of Orleans,"  | Refer <sup>d</sup> to Com <sup>ee</sup> on Banks.  |
| " An Act to Incorporate the President, Directors and Company of the Bank of Poultney,"   | " "  |
| " An Act to Incorporate the Bank of Newbury,"  | " "  |
| " An Act to Incorporate the President, Directors and Company of the Bank of Woodstock,"  | " "  |
| " An Act to Incorporate the President, Directors and Company of the Bank of Middlebury,"   | " "  |
| " An Act to Incorporate the President, Directors and Company of the Bank of Manchester,"   | " "  |
| Pet. of Horatio Seymour and others,  | " "  |

|  |   |
|--|---|
| Pet. of Fred. Keeler,  | Ref. to Land Tax Com <sup>ms</sup>            |
| Pet. of Silas Back [Beach,]  | " " " "                                       |
| Pet. of Seth Burroughs & others,   | " " " "                                       |
| Pet. of Wanton Hazard Do.  | " " " "                                       |
| Pet. of Select Men of Roxbury,   | " " " "                                       |
| Pet. of Select men of Groton,  | " " " "                                       |
| Pet. of Select men of Lincoln,   | " " " "                                       |
| Pet. of Select men of Bloomfield,  | " " " "                                       |
| Pet. of the Town of Alburgh,   | " " " "                                       |
| "An act laying a tax on the Town of Stamford,"                                       | " " " "                                       |
| Petition of Hiram Bostwick & others,   | Ref <sup>d</sup> to Com. Ws. & Means.         |
| Pet. of Noah Fisher,   | " " " "                                       |
| Pet. of Norman Harvey,   | " " " "                                       |
| Pet. of William Randall,   | " " " "                                       |
| Report of the Treasury, Sept. 30 <sup>th</sup> , 1831,                               | " " " "                                       |
| Report of the Committee to settle with the   | " " " "                                       |
| Superintendent Vt. State Prison,   | " " " "                                       |
| Superintendent of the Vermont State  | " " " "                                       |
| Prison, Exhibit of Property,   | " " " "                                       |
| Pet. of the Selectmen of Windham, Refer <sup>d</sup> to Com <sup>ms</sup> Education. |   |
| "An Act relating to Common Schools,"   | " " " "                                       |
| "An Act to incorporate the Brattleboro East  | " " " "                                       |
| Village High School,"  | " " " "                                       |
| Pet. of John M. Olin and others,   | Com <sup>ms</sup> Milit <sup>y</sup> Affairs. |
| "An Act to repeal an Act therein mentioned,"   | " " " "                                       |
| Resolution relating to Town Arms,  | " " " "                                       |
| Resolution of the Com. of Mass. relative to  | " " " "                                       |
| organization of Militia,   | " " " "                                       |
| "An Act to incorporate the Weybridge Man-  |   |
| ufacturing Company,"   | Ref <sup>d</sup> to Com. on Manufact.         |

Mr. Janes was appointed by the Gov. on the Committee on Banks.

Rec<sup>d</sup> from the House the following resolution, to wit, "Resolved, the Governor and Council concurring herein, that the nomination of road Commissioners in the several Counties be postponed one week from Thursday next. Read and *Resolved* not to concur and ordered that the Secretary inform the House.

The L<sup>t</sup> Gov. and Council proceeded to the Rep's room agreeably to adjournment for the purpose of attending in joint Comtt. to the election of County officers and Judges of the Supreme Court, when Hon. Titus Hutchinson was elected Chief Justice and Hon. Chs. K. Williams 1<sup>st</sup> Ass<sup>t</sup> Justice, and Hon. Stephen Royce Jr. 2<sup>nd</sup> Asst. Justice for the year ensuing, after which the Committee adjourned to Wednesday next at 10 O'clock A. M. and they returned to their Chamber.

The Petition of Ira Bachelder which was laid on the Table was called up. *Ordered* to lie on the table. The Petition of John Blake a convict in State Prison and *Ordered* to be dismissed. Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—The Council met. L<sup>t</sup> Governor Egerton in the Chair. The Petition of Peter Rosenbury a convict in the State Prison was called up and on motion of Mr. Phelps of W. was dismissed.

The Petition of J. H. Howe praying for a remission of a Military fine was called up and *Ordered* to lie on the table.

The Petition of I. Bachelder was again called up and *Ordered* to lie on the table.

The Pet<sup>n</sup> of Stewart Rutledge a convict in the State Prison was taken up and on motion of Mr. Phelps of W. amended by Mr. Janes, the Petitioner was discharged on condition that he leaves the State within Sixty

days. Yeas 13. Nays 0. Those who voted in the affirmative were the Lt Governor, Messrs. Brainerd, Cobb, Deming, Graves, Howe, Janes, Leavenworth, Pettibone, Loveland, Phelps of A., Phelps of W., Robinson. Adjourned to 9 O'clock tomorrow morning.

FRIDAY Oct. 21<sup>st</sup> 1831. 9 O'clock A. M.

The Governor & Council met, &c. Recd from the House for concurrence in passing the following Resolution, to wit, "Resolved, The Governor and Council concurring herein, that His Excellency the Governor be requested to inform the House what measures have been taken, if any, to ascertain the boundary line between this State and the State of New Hampshire agreeable to the resolution of last session," Read and Resolved to Concur and Ordered that the Secretary &c. Also the following to wit, "Resolved, the Gov. and Council concurring herein, that the Treasurer of this State be requested to report to this House the annual amount of money which has been drawn from the State Treasury for the support of the State Prison, from the first organization of said Institution to the present time." Read and Resolved to concur and ordered &c.

The House sent up for concurrence in the reference the following papers, to wit :

|  |  | Com. on Claims.       |     |
|--|--|-----------------------|-----|
|  |  | Refer <sup>d</sup> to | do. |
| Petition of Tappan Stevens, Deputy Sheriff,  |  |                       | do. |
| Pet. " Select men of Danby,  |  | " "                   | " " |
| Pet. " Paul Chase,   |  | " "                   | " " |
| Pet. " Sylves. [Sylvanus] Ripley,  |  | " "                   | " " |
| Pet. " Albee Davison,  |  | " "                   | " " |
| Pet. " Nahum Jennison and Jos. S. Jennison,  |  | " "                   | " " |
| Pet. " Samuel B. Brooks,   |  | " "                   | " " |
| Pet. " John A. Pratt & others,   |  | " "                   | " " |
| Pet. " James Dwyer & Adolphus Paul,  |  | " "                   | " " |
| An Act directing the Treasurer to pay the Town of Hubbardton the sum therein mentioned,  |  | " "                   | " " |
| An Act directing the Treasurer to pay Sam <sup>l</sup> B. Booth the sum therein mentioned,   |  | " "                   | " " |
| An Act directing the Treasurer to pay John Jackson the sum therein mentioned,  |  | " "                   | " " |
| An Act directing the Treasurer to pay Arah Waterman the sum therein mentioned,   |  | " "                   | " " |
| Acc. of the overseers of Poor of the town of Middlebury against the State disallowed by the Auditor and referred to the Gen <sup>l</sup> Assembly,                 |  | " "                   | " " |
| Petition of Samuel Chapman and others,   |  | Com. of Judiciary.    |     |
| An Act in amendment and alteration of an Act entitled an Act regulating the office and duty of High Sheriff, High Bailiff, their respective Depts. and Constables, |  | " "                   | " " |
| An Act altering the sessions of the Washington County Court,   |  | " "                   | " " |
| An Act in addition to an act entitled an Act regulating the Conveyances of Real Estate and for the prevention of frauds therein, passed March 6, 1797,             |  | " "                   | " " |
| An act in addition to the several acts regulating the Limitation of actions,   |  | " "                   | " " |
| An Act altering the time of holding the County   |  |                       |     |

Courts in the Counties of Orleans, Caledonia, and Essex,

Com. of Judiciary.

An Act regulating the Competency of witnesses,

" " "

An Act for the relief of Bail in Certain Cases,

" " "

An Act in addition to an Act entitled an act for the punishment of high Crimes and misdemeanors,

" " "

An Act regulating the direction of Writs,

" " "

Also the following resolution, to wit, Resolved, the Gov. & Council concurring herein, that the Judiciary Committee be instructed to inquire into the expediency of providing by law that when Executions shall be extended on Real Estate that the officer serving the same may [either] cause the execution with his return thereon to be recorded in the town Clerk's office or in such other office as is now required by law, or a true and attested Copy of such Execution with his return thereon. Read. *Resolved* to Concur. Also the following, to wit, Resolved, the Governor & Council concurring herein, that the Judiciary Committee be instructed to enquire into the expediency of fixing more definitely the fees of the Clerk of Road Commissioners: and of making some amendments in the existing law on that subject, and to report by bill or otherwise. Read and *Resolved* to Concur.

Pet. of John Miles, Refer<sup>d</sup>. to Com<sup>ss</sup>. on Rd<sup>s</sup> & Canals.

Pet. of Peter Sax and others, " " " "

Pet. of Elisha Barney & others, " " " "

Pet. of Jno. Holbrook & others, " " " "

Pet. of the Co. for rendering the Con<sup>t</sup> River navigable by Bellows Falls, " " " "

An Act for the relief of the Sears-

burgh [Turnpike] Company, " " " "

Pet. of Select Men of Richford, Com<sup>ss</sup> on Land Taxes.

Pet. of Oliver Ingham, " " " "

Pet. of Select men of Plymouth, " " " "

Pet. of Do. Do. Sherburne, " " " "

Pet. of Haines Schoff & others, " " " "

Pet. of Tyler Bingham & others, " " " "

Pet. of David Hopkinson & others, " " " "

Pet. of Oliver P. Chandler & Jon<sup>as</sup> Perkins, " " " "

Remonstrance of Joseph Wood & others, " " " "

" " Henry Soper & others, " " " "

An Act laying a Tax on the town of Orange, " " " "

An Act laying a tax on the lands in Eden, " " " "

Pet. of William Cahoon and others, Com<sup>ss</sup>. on Education.

Resolution, to wit, Resolved, the Gov. and Council concurring herein,

that the Committee on Education be instructed to enquire into the expediency of requiring by law that it shall be the duty of the Superintending Committee of Common Schools of each town to take the common oath of office, and report by bill or otherwise. Read & *Resolved* to Concur.

Petition of Thomas D. Rand and others, Refer<sup>d</sup>. to Com<sup>ss</sup>. of Insolvency.

Pet. of Tisdale Lincoln and others, Ref<sup>d</sup>. to Gen<sup>l</sup>. Committee.

Pet. of Charles Whittemore and others, " " " "

An Act in addition to an act entitled an act regulating town meetings, " " " "

Resolution, to wit, Resolved, the Gov. & Council concurring herein, that the General Committee be instructed to enquire into the expediency of furnishing each Constable in the several towns in this State with one Copy of the laws of this State at each session of the Legislature. Read & Resolved to Concur.

Communication from Governor of New Hampshire on the subject of the Militia, Ref<sup>d</sup> to Com<sup>rs</sup> on Mil<sup>ry</sup> Affairs.

Resolution, to wit, Resolved, the Gov. & Council concurring herein, that the Committee on Military Affairs be instructed to enquire into the expediency of so altering the law which relates to persons liable to do Military duty as that no person in this State shall be compelled by law to do any Military duty except at the annual June training; and report by Bill or otherwise. Read & Resolved to Concur.

Petition of Thomas Hall,

Ref<sup>d</sup> to Com<sup>rs</sup> Way<sup>s</sup> & Means.

An Act for the benefit of the town of Canaan,

" " " "

An Act in addition to an act entitled "An Act to promote the breed of Sheep and preserve the different Breeds distinct,"

Ref<sup>d</sup> to Com<sup>rs</sup> on Agriculture.

An Act to encourage the growing of wool and for improving the breed of Sheep,

" " " "

Petition of Edward Welch, Refer<sup>d</sup> to Com. of 4 to Join. Mr. Deming.

Petition of Enoch Pillsbury,

" Do. 2 " Do.

Pet. of Joseph Randall,

" Do. 2 " " Janes.

Remonstrance of American Convention for abolition of Slavery,

" Do. 4 " " Deming.

Five resolutions from the Executive of Delaware,

" " " " "

Resolution from Ex. of Con.

" " " " "

Two Resolutions from Ex.

of Ohio,

" " " " "

One Do. Do. of Ala.

" " " " "

One Do. Do. of Miss.

" " " " "

Pet. of Smith Clark a convict in the State Prison was taken up and on motion of Mr. Phelps of A. the Petition was dismissed. The Petition of Jno. McConnell a convict in the State Prison was taken up and *Ordered* to lie on the table. The Petition of Ira Batchelder, which was yesterday laid on the table, was called up and again *Ordered* to lie on the table. Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—Council met &c. Lt. Governor Egerton in the Chair. The Act rec'd for revision &c. incorporating the Brattleboro Aqueduct Company was taken up, read and *Ordered* to lie on the table.

The Petition of Ira Batchelder was again called up and on motion of Mr. Janes the prisoner was discharged on condition that he leave the State within 20 Days. Yeas 12. Nays 0. Those who voted in the affirmative are Messrs. Brainerd, Cobb, Deming, Graves, Howe, Janes, Leavenworth, Loveland, Pettibone, Phelps of A. Phelps of W. Robinson. The Petition of Ezekiel Odel, a Convict in the State Prison was taken up and *Ordered* to lie on the table. The Petition of Jno. McConnell was again called up and again *Ordered* to lie on the table.

The Petition of J. H. Howe which was yesterday laid on the table was again called up and *Ordered* to lie on the table.

The Resolutions from the Ex. of Mass. relative to Georgia and the Indians &c. &c. which was laid on the table was called up and on motion

of Mr. Deming *Resolved* not to concur in the reference and Mr. Deming was appointed to assign reasons.

Adjourned to 9 O'clock—tomorrow morning.

SATURDAY Oct. 22<sup>nd</sup>. 9 O'clock A. M.

The Council met &c. Rec<sup>d</sup> from the H. for revision &c. An Act altering the name of Franklin Hoar to that of Franklin Hoar Wheeler. Read and *Ordered* [to] lie &c. An Act incorporating the Brattleboro Fire Society. Read & *Ordered* to lie &c.

Rec<sup>d</sup> for Concurrence in passing the following resolution, to wit, Resolved, the Gov. & Council concurring herein, that both Houses meet in joint Committee in the Rep's Room on Saturday morning next at 10 o'clock in the forenoon for the purpose of Electing a Surveyor General and Auditor of Acct<sup>s</sup> against the State for the year ensuing. Read & *Resolved* to concur. *Ordered* &c. Also, the following, to wit, Resolved, the Gov. & Council concurring, that the Jud. Committee be instructed to inquire into the expediency of enacting a law making it the duty of the side Judges of the several County Courts in this State to organize their Court, Charge the Grand Jury, and proceed to business in the absence of the Chief Judge; and report by bill or otherwise: read and *Resolved* to Concur. Also the following, to wit, Resolved, the Gov. & Council concurring herein, That the Jud. Com<sup>tee</sup> be instructed to inquire into the expediency of securing to Mechanics and others payment for their labor and materials expended in erecting and repairing houses and other buildings with their appurtenances; and report by bill or otherwise. Read and *Resolved* to Concur. Also the following, to wit, Resolved, the Gov. & Council concurring herein, that the Committee on Military Affairs be instructed to inquire into the expediency of so altering the law regulating and governing the militia of this State that Colonels and commanding officers of Regmts. may have power to appoint the Staff of their respective Regiments. Read and *Resolved* to Concur. Also the following, to wit, Resolved, the Gov. & Council concurring herein, that the Committee on Insolvency be instructed to inquire into the expediency of abolishing imprisonment for debt in certain cases, and of providing effectual means for securing the property of debtors in such cases; and report by bill or otherwise. Read and *Resolved* to Concur.

The House sent up for Concurrence in the reference, to wit,

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| The Petition of Reformed Presbyterians, | } | Refer <sup>d</sup> . to Jud. Committee. |
| " Pet. " James Shephard & others,       |   |   |

Remonstrance of Isaac Blanchard,

|   |   |       |
|---|---|-------|
| An act directing the Treasurer to pay Sylvester Edson | } | " " " |
| the sum therein mentioned,                            |   |       |

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|---|---|---|
| Petition of Berkshire Artillery Comp <sup>y</sup> | } | Ref <sup>d</sup> to Com. on Mil. Affairs. |
| An Act directing the Treasurer of this State      |   |   |

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|---|---|-------|
| to pay Hugh Moore and others the sum therein mentioned, | } | " " " |
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| Report of the Sup. of Vt. State Prison, 1831, read and laid on the table previously, | } | Ref <sup>d</sup> . to Com. of W <sup>a</sup> & Means. |
| An Act to incorporate the President, Directors and Company of the                    |   |   |

|                                   |   |                                      |
|-----------------------------------|---|--------------------------------------|
| Bank of Bellows Falls,            | } | Ref <sup>d</sup> . to Com: on Banks. |
| Pet. of Jonas Wheeler and others. |   |                                      |

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| An Act to revive an Act entitled "an Act | } | Ref <sup>d</sup> . to Land Tax Com <sup>ee</sup> . |
| laying a Tax on the Lands in Bolton,"    |   |  |

|                                      |   |         |
|--------------------------------------|---|---------|
| Petition of Edward Clark and others, | } | " " " " |
| Pet. of Moses Morrill & others,      |   |         |



An Act to provide for Establishment of  
County Poor Houses,

Ref<sup>d</sup>. to Gen<sup>l</sup> Committee.

An Act to repeal several Acts therein  
mentioned,

" " " "

Remonstrance of David Monson & others,  
Canals.

Ref<sup>d</sup>. to C. on Roads &

The case of Fred. Aubery was presented By Mr. [Benjamin F.] Bailey  
of Burlington without a written Petition.

The L<sup>t</sup> Gov. & Council proceeded in pursuance of a joint Resolution  
to the Rep<sup>s</sup> Room and I. A. [Isaac N.] Cushman and David Pierce  
having been chosen Surveyor Gen<sup>l</sup> and Auditor of Accts. against the  
State respectively, they returned to the Chamber.

The Act incorporating the Brattleboro Aqueduct Com. which was yes-  
terday laid on the table, was called up and on motion of Mr. Phelps of  
W. was committed to a Committee of two for consideration, Messrs.  
Cobb & Howe.

The Resolutions from Mass. yesterday laid on the table, were called  
up, and Mr. Deming, who had been appointed for that purpose, reported  
Reasons for not concurring the reference: The Governor and Council  
assign the following reason for non-concurring with the House in the  
reference of the Resolutions of the State of Massachusetts, viz. Because  
the subject of said resolutions does not relate to Military affairs. And  
Because the subject might be more properly referred to a select com-  
mittee: which was adopted, and *Ordered*, that Sec. &c.

The joint Resolution relating to Imprisonment for debt, previously  
laid on the table, was called up and referred to the Com<sup>ee</sup>. on Insolvency.

On motion of Mr. Loveland, the Secretary was *Ordered* to procure for  
the use of the Council Six sand Boxes.

The following petitions of Convicts in the State Prison were taken up  
and disposed of as follows: The Petitions of Israel Arlen Dismissed, of  
Peter Bolio Do. Of John Bean laid on the table. Of Elijah Bennett,  
Willard Babbit, Manly A. Beach, John Billington, Tho<sup>s</sup> Ballou, John  
Ballard, Charles Ball, Dismissed. The Pet. of Harvey Beckley Laid  
on the Table. Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—The Council met &c. L<sup>t</sup> Gov. Egerton in the Chair.  
Mr. Cobb, from the Com. to whom was committed "An Act to incorpo-  
rate the Brattleboro South Aqueduct Company," reported the follow-  
ing amendments, to wit, to strike out the word "heirs" in the first sec-  
tion, third line, and insert in lieu thereof the word *successors*, and to  
insert after the word "*estate*" in the seventh line of the first section the  
words "not exceeding five thousand dollars." On motion of Mr. Pettibone  
*Resolved* to concur in passing the above Bill as amended.

The House sent up for concurrence in the reference, to wit:

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|------------------------------------|--|
| Petition of John Harding & others, | } Ref <sup>d</sup> . to Com. of 2 to join from<br>Council, Mr. Deming. |
| Petition of Lucretia Beach,        |  |
| Petition of Harry Carey & Cheney   | " Com. of 2 " Mr. Phelps of W.   |

|      |                            |            |             |
|------|----------------------------|------------|-------------|
|      | Flint,                     | " Com. 2 " | Mr. Janes.  |
| Pet. | " John Leonard & others,   | " Com. 2 " | Mr. Deming. |
| Pet. | " Caleb Buffum,            | " Com. 2 " | Mr. Deming. |
| Pet. | " Moody Shattuck & others, | " Com. 2 " | Mr. Deming. |
| Pet. | " Henry Blake and others,  | " Com. 2 " | Mr. Janes.  |
| Pet. | " James Sturtevant,        | " Com. 2 " | Mr. Janes.  |
| Pet. | " Mary Burnham,            | " Com. 2 " | Mr. Janes.  |

An Act to Prohibit the circulation of Small Bills. Committee of 4  
[to join.] Mr. Deming [appointed.] Adjourned to 9 o'clock on Monday  
Morning.

MONDAY Oct. 24<sup>th</sup>. 1831. 9 o'clock.

Council met &c. Lieut. Gov. in the Chair. The House sent up for concurrence in passing the following, to wit: Resolved, the Gov. & Council concurring herein, that both Houses meet in the Rep<sup>'s</sup> Room on Wednesday next at 10 o'clock A. M. for the purpose of electing a person to preach the next election Sermon. Read and *Resolved* to Concur & *Ordered* &c. Also the following, to Wit: Resolved, the Gov. & Council &c. &c. that both Houses meet in joint Com: in the Rep<sup>'s</sup> room on Wednesday next at 10 o'clock A. M. for the purpose of choosing a Brigadier Gen<sup>l</sup> for the first Brigade and 4. Division of [the militia of] this State. Read and *Resolved* to Concur & *Ordered* &c. Also the following, to wit, Resolved, the Gov. and Council concurring herein, that the Judiciary Committee be instructed to enquire into the expediency of Taxing money on hand and debts due in the hands of executors or administrators and enforcing the collection of the same, and report by Bill or otherwise. Read and *Resolved* to Concur. Also the following, to wit, Resolved, the Gov. & Council concurring herein, that the Judiciary Com. be instructed to [inquire into] the expediency of passing a law authorizing Town Clerks to take the acknowledgement of Deeds of Conveyance of real Estate, and report by Bill or otherwise. Read and *Resolved* to Concur. Also the following, to wit, Resolved, the Gov. and Council concurring herein, that the Jud. Committee be instructed to enquire into the expediency of passing an act more effectually to prevent disturbing the remains of the dead, that any person or persons in whose hands, possession or care any dead body may be found, or if found in any Medical Building or adjoining building in the use of or occupancy of the Principals or Students of any medical building, the Principal or overseers of such Institution shall, unless such person or persons show how such body or bodies came into his or their possession, be subject to the same penalties as are provided in an Act of Legislature passed November 8<sup>th</sup>. 1830, and report by Bill or otherwise. Read and *Resolved* to Concur. Also the following, to wit, Resolved, the Gov. & Council concurring herein, that the Gen. Com. be instructed &c. of reducing the fees of Notaries Public. Read &c. *Resolved* to concur. Also the following, to wit, Resolved, the Gov. & Council &c. that the Jud. Committee be instructed &c. of so altering the Law relating to writs returnable before a Justice of the peace as to make it the duty of all officers serving such writs to return them twenty-four hours before the time set in them for trial, and report by bill or otherwise. Read and *Resolved* to Concur.

The House sent up for concurrence the following, to wit, The Resolutions from Mass. relating to Georgia Laws and the Judiciary, Ref<sup>d</sup> to Com<sup>ms</sup> of 4. Mr. Deming [appointed to join.] An Act annexing Woodbury to the County of Washington, Refer<sup>d</sup> to Com. of 4. Mr. Brainerd [appointed to join.]

Pet. of the Select Men of Newport, Ref<sup>d</sup> to Com on Rds. & Canals.

Memorial of R. Harvey and 25 others " Do. " "

An Act directing the Treasurer of the State to pay the Town of Bristol and the Town of New Haven the sum therein mentioned, Ref<sup>d</sup> to Com<sup>ms</sup> of Claims.

An Act directing the Treasurer to pay Oliver Ingham the sum therein mentioned, " " " "

An Act directing the Treasurer to pay Azariah Webb the sum therein mentioned, " " " "

An Act relating to State paupers and for the support of State prisoners Confined in Jail, Ref<sup>d</sup> to Jud. Committee.

The House sent up for recommitment the following, to wit: An act

directing the Treasurer to pay John Jackson the sum therein mentioned,

Ref<sup>d</sup>. to Com<sup>rs</sup> on Claims.

An Act laying a tax on Lincoln,

" to Land Tax Com<sup>rs</sup>.

The Bill incorporating the Brattleboro Fire Society (laid on the table Saturday) was called up and committed to a Committee of one for amendment. Com. to Mr. Phelps of A.

On Motion of Mr. Deming the Resolution to concur in passing the Brattleboro' Aqueduct bill was reconsidered and the following additional amendment proposed, viz. Insert at the end of the Bill the following proviso, to wit, Provided that any future Legislature may amend or repeal this Act. Mr. Cobb appointed to assign reasons. *Resolved* to concur in passing as amended & *Ordered* &c. Mr. Cobb reported reasons for Amendments to Brattleboro Aqueduct Co. which were adopted, [to wit :] Mr. Cobb, from the committee appointed to give reasons for proposed amendments in the Bill Incorporating Brattleboro' Aqueduct Company, assigns the following, to wit : In the first proposed amend. the Gov. & Council assign for a reason of adopting the same that they are not advised that corporations have "heirs," and as a reason of adopting the 2d proposed amendment they deem it inexpedient and impolitic to grant acts of Incorporation without limiting the amount of property which the corporation may hold. And as a reason of adopting the proviso that the good of community requires acts of incorporation of the character introduced in this bill ought at all times to be under the control of this Gen<sup>l</sup>. Assembly.

Mr. Phelps of A. to whom was committed the Bill inc. Brattleboro Fire Society reported the following proposed amendments, to wit : Strike out of the 3<sup>d</sup> Section the 12<sup>th</sup> and 13<sup>th</sup> lines together with the word "the" as it occurs last in the 11th line. Add also the following, to wit : "Sec. 6<sup>th</sup>. It is hereby further enacted that nothing herein contained shall be so construed as to prevent any future Legislature from altering, amending or repealing this Act." Mr. Phelps appointed to give reasons. Reasons Adopted, [to wit :] To the General Assembly : The undersigned, designated by the Council to assign to the Gen<sup>l</sup>. Assembly the reasons for the proposed amendments to the bill entitled "An Act incorporating the Brattleboro' Fire Society," would respectfully suggest to the assembly that the words proposed to be stricken out by the first amendment appear to be, as the bill is now framed, unmeaning and unnecessary. The additional section is proposed to be added upon the ground that it is not expedient to create corporations of a private nature without limitation as to duration and without any controlling power over their charters on the part of the Legislature to be exerted in case of an abuse of their privilege. This controlling power in the Legislature seems to be more necessary inasmuch as we have no general statute, similar to those of other States, regulating the operations of such corporations.

SAM<sup>l</sup>. S. PHELPS.

Oct. 24, 1831.

*Resolved* to Concur in passing as amended & *Ordered* &c.

The Petition of I. H. Howe was called up and a motion made by Mr. Cobb to dismiss said Petition. Motion lost. *Ordered* that the petition lie on the Table.

The following Petitions of Convicts in the State Prison were taken up and disposed of as follows, to wit, Petitions of Benjamin T. Buel, Moses Clough, Charles Dragoon alias Ubor, [and] Fred. Ditterich Dismissed. Pet. of Henry Conney *Ordered* to lie on the table. Adjourned to 2 O'clock P. M.

2 o'CLOCK P. M.—Council met, Lieut. Governor Egerton in the Chair. The Petitions of the following persons Convicts in the State Prison were taken up and disposed of as follows: The Petitions of Jno. Irwin, William R. Ellis, Morris Emery, Hiram Eastman, William Gould, William N. Gillet, Lucius Hill, Chester Hodgden, Giles Hills, I. P. Holden, Jno. Kilburn, Joshua Littles, Johnson Logan, Michael Lillis, William E. Lee [and] David Lee, Dismissed.

James Murphy Discharged. Yeas 11. Nays 0. Those who voted in the affirmative are Messrs. Brainerd, Cobb, Deming, Howe, Janes, Leavenworth, Loveland, Pettibone, Phelps of A. Phelps of W. Robinson.

The Petitions of I. B. Martin, Abram Mockbridge, Henry Muse, [and] Stephen Prentiss [were] dismissed.

Patrick Fitzpatrick, Discharged. Yeas 11. Nays 0. Those who voted in the affirmative, are Messrs. Brainerd, Cobb, Deming, Howe, Janes, Leavenworth, Loveland, Pettibone, Phelps of A. Phelps of W. Robinson.

The Petitions of Alonzo Quin, Edward Riley, Amos Stafford [and] Jona. Sargeant [were] dismissed.

Rhoda Sanborn, Discharged. Yeas 9. Nays 2. Those who voted in the affirmative are Messrs. Brainerd, Cobb, Janes, Leavenworth, Loveland, Pettibone, Phelps of A. Phelps of W. Robinson. Those who voted in the negative are Messrs. Deming and Howe.

The Petitions of Cornelius Truax, Horace Wheeler, William Utter [and] Geo. W. Drew [were] dismissed.

Pet. of Lovina Bachellor, Pardon Granted. Yeas 7. Nays 3. Those who voted in the affirmative are Messrs. Brainerd, Howe, Janes, Leavenworth, Phelps of A. Phelps of W. Robinson. Those who voted in the negative are Messrs. Cobb, Loveland, Pettibone. Adjourned to 9 O'clock tomorrow Morning.

TUESDAY Oct. 25<sup>th</sup> 1831. 9 o'clock A. M.

Council Met &c. Lieut. Governor in the Chair. The House sent up for Revision &c. the following, to wit, An Act directing the Treasurer to pay Jno. McDuffie the sum therein mentioned & *Ordered* to lie on the table. An Act in addition to an Act entitled an Act in addition to an Act to empower Judges of the Supreme Court to grant Bills of Divorce and to repeal an Act therein mentioned passed Nov. 9th, 1822, & *Ordered* to lie on the table. An Act laying a tax on lands in Hyde-park, and *Ordered* to lie on the table. An Act laying a tax on the lands in Sheldon, and *Ordered* to lie on the table. An Act directing the Treasurer of this State to pay Benjamin H. [F.] Haskell the sum therein mentioned, and *Ordered* to lie on the table. An Act to enable William Tagert to hold and convey real Estate, *Ordered* to lie on the table. An Act assessing a tax of 3 Mills on each acre of land in the County of Essex for the purpose of building a Jail in said County. Ref<sup>d</sup> to a Com<sup>ee</sup> of 3 for Amen<sup>d</sup>—Mr. [Messrs.] Graves, Deming & Cobb.

The House sent up for Concurrence in the reference, to wit, An Act extending the trustee process to cases where the principal debtor resides within this State, Refer<sup>d</sup> to Jud. Committee.

An Act in addition to an Act entitled an Act relating to roads & bridges, passed Nov. 10, 1830, “ “

An Act in addition to an Act to incorporate the Vermont Mutual Fire Insurance Company, “ “

An Act in Addition to and in alteration of an Act entitled an Act for the due observance of [the] Sabbath,

Refer<sup>d</sup>. to Jud. Committee.

The Memorial of Moulton Morey & others, Com<sup>rs</sup>. on Roads and Canals. An act directing the Treasurer to pay Peter Gratton the sum therein mentioned, Ref<sup>d</sup>. to Committee on Milit<sup>y</sup> Affairs. An Act directing the taxing of foreign Bank Stock, Ref<sup>d</sup>. to Committee on Ways & Means.

The House sent up for recommitment the following, to wit, Petition of Richard Ransom and others, to Com<sup>rs</sup> on Claims.

The House sent up for concurrence in passing the following resolution, to wit, Resolved, the Governor and Council concurring herein that both Houses of the Legislature meet in the Representatives' Room on Wednesday morning next at 10 o'clock for the purpose of electing Commissioners of Deaf and Dumb. Read and *Resolved to Concur & Ordered &c.* Also the following, to wit, Resolved, the Governor and Council concurring herein, that his Excellency be requested to appoint Thursday the 8<sup>th</sup> day of December next to be observed as a day of public Thanksgiving throughout this State : read and *Ordered* to lie on the table. Also, the following to wit, Resolved, the Governor and Council concurring herein, that the General Committee be instructed &c. of passing a law altering the time of electing members of Congress, and that they report by Bill or otherwise. Read and *Resolved to Concur.* Also the following, to wit, Resolved, the Governor and Council concurring herein, that the Jud. Committee be instructed &c. of so altering the law that jurors attending before Justices' Courts have their fees raised to fifty cents, and likewise three cents per mile each way for travelling fees : read & *Resolved* to concur. Also the following, to wit, Resolved, the Governor and Council concurring herein, that the committee on Education be instructed to enquire whether any and if any what encouragement can be extended to the establishment and utility of Lyceums throughout the State—whether any of the School fund can be appropriated to this object, and Report by Bill or otherwise. Read & *Resolved* to concur.

The Act "Altering the name of Franklin Hoar to that of Franklin Hoar Wheeler," which was laid on the table last Saturday forenoon, was taken up and *Resolved* to concur in passing & *Ordered &c.*

The following Petitions were taken up and disposed of as follows : The Petitions of Hiram Lee [and] Jacob Allen [were] Dismissed. The Pet. of John Bean [was] laid on the Table. The Pet. of Nathaniel Brown, Discharged. Yeas 12. Nays 0. Those who voted in the affirmative are Messrs. Brainerd, Cobb, Deming, Graves, Howe, Janes, Leavenworth, Loveland, Pettibone, Phelps of A. Phelps of W. Robinson. The Pet. of Lewis Baldwin Laid on the table. The Pet. of Nathan Bean [and] Harvey Beckley [were] dismissed. Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—Council met &c. Lieut. Governor in the Chair. The Act directing the Treasurer of this State to pay Jno. McDuffie, &c., which was laid on the table in the forenoon, was called up and *Ordered* to lie on the table.

The following Petitions were taken up and disposed of as follows : The Petition of Richard Shippey Laid on the table. The Petition of Henry Connay, Pet<sup>r</sup> Discharged. Yeas 9. Nays 3. Those who voted in the affirmative are Messrs. Brainerd, Cobb, Deming, Graves, Howe, Leavenworth, Pettibone, Phelps of A. Robinson. Those who voted in the negative are Messrs. Janes, Loveland, Phelps of W. Pet. of Stephen Coates, Pet<sup>r</sup> Discharged. Yeas 12. Nays 0. Those who voted in

the affirmative are Messrs. Brainerd, Cobb, Deming, Graves, Howe, Janes, Leavenworth, Loveland, Pettibone, Phelps of A. Phelps of W. Robinson. The Petitions of Lewis Collins, [and] Geo. W. Danton, Dismissed. The Pet. of Elijah Pratt, Pet<sup>r</sup>. Discharged. Yeas 12. Nays 0. Those who voted in the affirmative are Messrs. Brainerd, Cobb, Deming, Graves, Howe, Janes, Leavenworth, Loveland, Pettibone, Phelps of A. Phelps of W. Robinson. The Pet. of Chs. I. Downeys [Charles J. Downie] Pet<sup>r</sup>. Discharged. Yeas 11. Nays 0. Those who voted in the affirmative are Messrs. Brainerd, Cobb, Graves, Howe, Janes, Leavenworth, Loveland, Pettibone, Phelps of A. Phelps of W. Robinson. Petitions of I. M. B. Spencer, Charles Davidson, Jonas Deputine, Jeremiah Gould, Peter Gorrie, Dismissed. Adjourned to 9 o'clock tomorrow morning.

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WEDNESDAY Oct. 26<sup>th</sup>. 9 o'clock A. M.

Council met &c. Lieut. Governor in the Chair. The House sent up for concurrence in the reference the following, to wit, An Act relating to covenants broken, An Act limiting the collection of State & other Taxes, An Act altering the terms of the Courts in certain Counties, An Act in addition to the several Acts defining the powers of Justices of the peace, [severally] Ref<sup>d</sup>. to Com. on Judiciary. An Act to preserve the Fish in Leicester Pond, [and] An Act to repeal an Act therein mentioned, Ref<sup>d</sup>. to Com. of 2, [and Mr. Phelps of A. was appointed to join.] An Act directing the Treasurer to pay Jos. Howes the sum therein mentioned, Ref<sup>d</sup>. to Com<sup>ee</sup>. on Claims. Petition of Ephraim Paddock & others Ref<sup>d</sup>. to Com. on Education. An Act to revive an Act entitled "an Act laying a tax on lands in Jay," Passed Oct. 28<sup>th</sup>. 1829, Ref<sup>d</sup>. [to] Land Tax Com.

The House sent up for concurrence in the Recommitment the following, to wit, An Act laying a tax on lands in Eden, Recom. to Land Tax Com<sup>ee</sup>.

The House sent up for concurrence in passing the following resolution, to wit, Resolved, the Governor and Council concurring herein, that the Gail [General] Committee be instructed &c. of so regulating the construction of wheels for carriages of burden that there be an increase and uniformity in the width of the felloes or brims of wheels hereafter constructed and used for carriages in this State, and report by Bill or otherwise. Read and *Resolved* to Concur. *Also* the following, to wit, Resolved, the Governor and Council concurring herein, that the Judiciary Committee be instructed &c. of passing a law in amendment of the Act entitled an Act for the punishment of certain capital crimes & other high crimes and misdemeanors, passed November 11<sup>th</sup>. 1818, so as to class or affix the Act entitled an Act against disturbing the remains of the dead among the list of high crimes and misdemeanors. Read and *Resolved* to concur. *Also* the following, to wit, Resolved, the Governor and Council concurring herein, that the General Committee be instructed to enquire into the expediency of providing by law that wild lands shall be set in the General list of this State at their true value in money, and that they have leave to report by bill or otherwise. Read and *Resolved* to Concur. *Also* the following, to wit, Resolved, the Governor and Council concurring herein, that the Judiciary Committee be instructed to enquire into the expediency of further providing by law for pleading an offset. Read and *Resolved* to Concur.

The Bill relating to Jno. McDuffie, which was yesterday laid on the table, was called up and *Ordered* to lie on the table.

The Resolution relating to Thanksgiving, yesterday laid on the table, was called up and on Motion of Mr. Phelps of W. was amended as follows: strike out the word "eighth" and insert in lieu thereof the word "first" &c. *Resolved* to Concur as amended.

Mr. Graves, from the Committee to whom was referred the Bill laying a Tax on Essex County &c. reported the following proposed amendments, to wit, Strike out the whole of the 3<sup>rd</sup> Section after the words "building bridges" in the ninth line of the second Page and insert the following, to wit, "And the several Sales of Land which may be holden in said County in pursuance of this Act shall be holden on the days following, to wit, at Concord on the 12<sup>th</sup> day of June next, at Lunenburg on the 13<sup>th</sup>, at Granby on the 14<sup>th</sup>, at Guildhall on the 15<sup>th</sup>, at Maidstone on the 16<sup>th</sup>, at Brunswick on the 18<sup>th</sup>, at Bloomfield on the 19<sup>th</sup>, at Lemington on the 20<sup>th</sup>, and at Canaan on the 21<sup>st</sup> day of June, and the Sale of different Gores and [un]organized towns shall be holden at Guildhall on the 23<sup>rd</sup> day of June next. Report accepted and *Resolved* to concur in passing as amended and ordered &c. Mr. Graves appointed to give reasons, [who assigned the following, which was adopted:] To the Speaker of the House of Representatives,—The Undersigned, appointed by the Governor & Council to assign reasons to the House for the amendments proposed in relation to the "Act laying a tax on Essex County," would state respectfully that the object of the proposed amendment is to provide a more certain and definite arrangement in relation to the times of holding the sales in said County provided for in said Act.

RICHARDSON GRAVES.

On Motion of Mr. Pettibone the vote discharging Elijah Pratt from the State Prison was reconsidered, and on motion of Mr. Phelps of A. the Petition was *dismissed*.

The Act in addition to an Act empowering Judges of the Supreme Court to grant bills of Divorce &c. yesterday laid on the table, was called up and *Resolved* to concur in passing. *Ordered* &c. The Act laying a tax on Hydepark, yesterday laid on the table, was called up and *Resolved* to concur in passing. *Ordered* &c. The Act laying a Tax on Sheldon, yesterday laid on the table, was called up and *Resolved* to Concur in passing and *Ordered* &c.

The Acts relating to Benjamin F. Haskell and William Tagert were called up and severally *Ordered* to lie on the Table.

A written communication was received from John Smith, Speaker of the House of Representatives, informing the Council that the House had concurred in the Amendments to the bills Incorporating the Brattleborough Fire Society and Brattleborough aqueduct Company.

The Council proceeded to the Representatives' Room in pursuance of Adjournment and joint Resolutions and after making Choice of County Officers for several Counties [and] the adjournment of joint Committee to 2 o'clock P. M. they returned to their Chamber and Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—Council met according to adjournment, Lt. Governor Egerton in the Chair. The Report of the Inspector of Beef and Pork was received & read, [as follows:]

*Return to the Governor and Council of the Inspector of Beef and Pork from October 1830 to October 1831.*

| MESS BEEF.             | NO. OF BARRELS. |
|------------------------|-----------------|
| Inspected at Shoreham, | 649             |
| Do. at Addison,        | 1511            |
| Do. "Orwell,           | 502             |
|                        | <hr/>           |
| Mess Beef              | 2662            |

| PRIME BEEF.     |           | NO. OF BARRELS. |
|-----------------|-----------|-----------------|
| Inspected at    | Shoreham, | 636             |
| Do.             | Addison,  | 1229            |
| Do.             | Orwell,   | 413             |
| Do. PRIME BEEF, |           | 2278            |

*To the Hon. Governor and Council now in session at Montpelier.*—Above is my return of all the provision Inspected by me or my deputies as above stated agreeable to their returns, all which is respectfully submitted by your Obedient Humble Servant.

JOHN THOMAS, *Inspector General of Beef & Pork.*

Orwell, October 20th, 1831.

The Council proceeded according to adjournment to the Representatives' Room when Nicholas Baylies Esqr. was elected 4<sup>th</sup>. [3d] Assistant Justice of the Supreme Court; Nathan Young Esqr. Brigadier General of the 1<sup>st</sup>. Brigade 4<sup>th</sup>. Division; Hon. Jonathan [John] H. Cotton Superintendent of the Vermont State Prison; John Smith of St. Albans, Wylls Lyman and John Kellogg Esqrs. Commissioners of Deaf and Dumb; Rev<sup>d</sup> William S. Perkins to preach the next election Sermon, and William Horton his substitute. After which the Council returned to their Chamber and Adjourned to 9 O'clock tomorrow morning.

THURSDAY October 27<sup>th</sup>. 9 o'clock A. M.

The Governor and Council met &c. The House sent up for concurrence in passing the following resolution, to wit, Resolved, the Governor and Council concurring therein, that [the] Judiciary Committee be directed to report a bill abolishing imprisonment for debt on all contracts made after the 1<sup>st</sup>. day of January next. Read and *Resolved* to Concur. Also the following, to wit, Whereas doubts have arisen respecting the boundary line between this State and the State of New Hampshire, the said State of New Hampshire having claimed to hold jurisdiction of some portion of our State and having at divers times given Charters of Incorporation to divers Companies for Mills, Bridges, Canals and Machinery within as it is supposed the jurisdiction of this State. And whereas the Legislature of this State at the Session thereof in 1830 passed a Resolution making it the duty of the Governor to appoint Commissioners to join such as should be appointed by the Governor of New Hampshire upon request, whose business it should be to ascertain the true line and boundary between said two States and report their doings to the Legislature of this State at their present Session. And whereas the Governor of the State did make known the aforesaid Resolution to the Government of New Hampshire as requested and the said Government of New Hampshire hath neglected to make the appointment of Commissioners on their part but on the contrary the said Legislature of the said State of New Hampshire at the last June Session thereof did resolve not to appoint commissioners and that no measures should be taken to ascertain the true boundary line between the said States: Resolved thereupon, the Governor and Council concurring herein, that a Committee be appointed of one member from each of the Counties of Windham, Windsor, Orange, Caledonia, and Essex, to be joined by Councillor from one of those Counties, whose business it shall be to enquire as to the number of Chartered Companies incorporated and in operation on said river, where located and whether incorporated by the State of New Hampshire, the Amount of tolls received thereat, and also to enquire as to the boundary line between the said States and



the claims hitherto made by each or either of said States as to territory or jurisdiction, and report by Bill or otherwise. Read and *Resolved* to Concur.<sup>1</sup>

The House sent up for Concurrence in the Reference the following, to wit, An Act directing the several Courts of Probate in the appointment of Administrators, Refer<sup>d</sup>. to Jud. Committee. The Petition of Nathan Lord, Refer<sup>d</sup>. to Com. on Education. The Petition of Eli Chittenden, Ref<sup>d</sup>. to Com. on R. and Canals. The Petition of Stephen T. Spencer & others, Ref<sup>d</sup>. to Com. on Manufactures.

The Act relating to B. F. Haskell was called up and *Ordered* to lie &c.

The following petitions of convicts in the State Prison were taken up and disposed of as follows: The Petitions of John Hatch, Avery M. Hutchins, John Hopkins, Dismissed. The Petition of William Jones, Petr<sup>r</sup> Discharged. Yeas 12, Nays 0. Those who voted in the affirmative are Messrs. Brainerd, Cobb, Deming, Graves, Howe, Janes, Leavenworth, Loveland, Pettibone, Phelps of A. Phelps of W. Robinson. The Petition of Geo. W. Judd, Dismissed.

The Bill directing the Treasurer to pay Jno. McDuffie the sum therein mentioned was called up and on motion of Mr. Pettibone Mr. Phelps of A. appointed to give reasons, [which were adopted, as follows:] *To the General Assembly*—The undersigned [appointed] by the Council to give reasons &c. would respectfully advise the Assembly that upon a thorough investigation it appears from documents laid before the Council that the Petitioner rendered the services, for which the act grants a compensation, under an employment by the United States,—that he has been recognized by the United States as in their service and paid by them the stipulated compensation. His claim in this instance is for an additional allowance, but no evidence has been furnished the Council tending to show that he was employed to render the services by authority of this State, or that any allowance would be made by this State for the services in question : which is respectfully submitted. Oct. 27, 1831.

SAMUEL S. PHELPS by direction of the Governor & Council.

*Resolved* not to concur [in the passage of the bill] & order<sup>d</sup> &c.

Benjamin Swan, Treasurer of the State, appeared in the Council Chamber and presented his official bond, which was approved by the Council, and he was duly sworn to the faithful execution of the duties of his said office—by his Hon. the Lieut. Governor. Adjourned to 2 O'clock P. M.

2 O'CLOCK [P. M.]—Council met according to adjournment, Lieutenant Governor in the Chair.

The following Petitions of Convicts in the State Prison &c. were taken up and disposed of as follows: The Petition of Enoch Pillsbury a discharged Convict for pardon was called up and *Ordered* to lie on the table. The Petitions of Cornelius Munroe, Samuel Morris, Calvin Miller, Jno. McConnell, Stephen Sweetser, Daniel Sartwell, Jno. Sweat, Philip Shepherd, Lewis Smith, Jon Worthington, Richard Ware, Jno. White, Dismissed. The Petition of James Converse, Petitioner Discharged on Condition of leaving the State within 20 days. Yeas 12. Nays 0. Those who voted in the affirmative are Messrs. Brainerd, Cobb, Deming, Graves, Howe, Janes, Leavenworth, Loveland, Pettibone, Phelps of A. Phelps of W. Robinson. Adjourned to 9 O'clock tomorrow morning.

<sup>1</sup> See Appendix B.

FRIDAY Oct. 28. 9 O'clock A. M.

Council met according to adjournment, Lieut. Gov. in the Chair. The House sent up for concurrence in passing the following Resolutions : Resolved, the Governor and Council concurring herein, that both Houses meet in the Representatives' Room on Friday next at 2 O'clock P. M. for the purpose of electing a Chaplain for the remaining part of the session, and also Commissioners of Schools. Read and *Resolved* to concur and ordered &c. Also the following, to wit, Resolved, the Governor and Council Concurring herein, that the Jud. Committee be instructed to enquire into the expediency of passing a law providing for the payment of recording births and deaths in the same way as is now provided for the payment of recording Marriages, and Report by Bill or otherwise. Read and *Resolved* to Concur. Also the following to wit, Resolved, the Governor and Council concurring herein, that the Committee on Ways & Means be instructed to enquire into the expediency of appointing Commissioners to receive proposals from citizens of any town in this State to erect a New State House, and report by Bill or otherwise. Read & *Resolved* to Concur.

The House sent up for revision &c. the following, to wit, An Act laying a Tax on lands in Bradley Vale. An Act relating to the Appointment and duties of Inspectors of Hops in & for the State of Vermont. An Act Incorporating the Wallingford Village Fire Company. An Act laying a Tax on the Lands in Greensboro'. An Act in Addition to the several acts providing for the appointment of Notaries Public. An Act laying a tax on the lands in Bloomfield, [which were severally] Laid on the Table.

The House sent up for Concurrence in the reference the following, to wit, The Petition of Inhabitants of Vergennes, The Petition of Jeremiah Johnson, The Pet. of Luther Newcomb and others, Ref<sup>d</sup> to Com. on R. & Canals. An Act to compensate the Superintendent of the Vermont State Prison, An Act for the relief of the Town of Granby, Ref<sup>d</sup> to Com. on Ways & Means. The Petition of Alpha Allen & 33 others, The Pet. for a Tax on Random & other Towns, Ref<sup>d</sup> to L. Tax Com. An Act Incorporating the President, Directors and Company of the Bank of Essex, Ref<sup>d</sup> to Com. on Banks.

The House sent up for recommitment the following, to wit, An Act directing the Treasurer to pay Azariah Webb the sum therein mentioned, An Act remunerating the Town of Hubbarton &c., The Petition of Tappan Stephens Dep't Sheriff, An Act directing The Treasurer to pay John Jackson the sum therein mentioned, Refer<sup>d</sup> to Com. on Claims.

The Resolution respecting the boundary line between this State and the State of New Hampshire, yesterday laid on the table, was called up and *Resolved* to Concur. *Ordered* &c.

The Act relating to Benjamin F. Haskell, yesterday laid on the table, was called up and *Resolved* to Concur in passing. *Ordered* &c. An Act relating to William Tagert, yesterday laid on the Table, was called up and *Resolved* to Concur. *Ordered* &c.

On Motion of Mr. Phelps of A. the Resolution to elect a Chaplain and School Commissioners was reconsidered and was amended as follows : Insert in the 5<sup>th</sup> line after the word "also" the words "on Wednesday next at 10 o'clock in the forenoon for the purpose of electing." *Resolved* to concur in passing as amended. *Ordered* &c.

The Petition of John Bean, which was laid on the table Oct. 22nd, was taken up and the Petitioner discharged from Prison. Yeas 6. Nays 5. Those who voted in the affirmative were Messrs. Brainerd, Graves, Leavenworth, Loveland, Phelps of A. Phelps of W. Those who voted

in the negative are Messrs. Cobb, Howe, Janes, Pettibone, Robinson. The Petition of Lewis Baldwin, which was laid on the table Oct. 25, was called up and Petitioner discharged. Yeas 8. Nays 3. Those who voted in the affirmative are Messrs. Brainerd, Graves, Howe, Janes, Leavenworth, Pettibone, Phelps of W. Robinson. Those who voted in the negative are Messrs. Cobb, Loveland, Phelps of A. The Petitions of William Davis [and] Alex. Johns Dismissed. The Pet. of William Louks, Petitioner Discharged. Yeas 11. Nays 0. Those who voted in the affirmative are Messrs. Brainerd, Deming, Graves, Howe, Janes, Leavenworth, Loveland, Pettibone, Phelps of A. Phelps of W. Robinson. The Petition of David Older was taken up and motion made to discharge, which was lost. Yeas 2. Nays 9. Those who voted in the affirmative are Messrs. Loveland, Phelps of W. Those who voted in the negative are Messrs. Brainerd, Deming, Graves, Howe, Janes, Leavenworth, Pettibone, Phelps of A. Robinson. Pet. Dismissed. The Petition of Ezekiel Odel Dismissed. The Pet. of Richard Shippey, [petitioner] Discharged. Yeas 7. Nays 4. Those who voted in the affirmative are Messrs. Brainerd, Deming, Graves, Howe, Loveland, Phelps of W. Robinson. Those who voted in the negative are Messrs. Janes, Leavenworth, Pettibone, Phelps of A. The Petition of Norman Cleveland Dismissed. The Petitions of Tisdale Johnson, Moses Langley, James Johnson, and Truman Hagar, which were laid on the table Oct. 17<sup>th</sup>, were called up and *fine* and *Cost* remitted on each. Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—Council met &c. The Petition of Amasa Buckingham for Pardon was taken up and *Ordered* to lie on the table.

A written communication was received from Hon. John Smith, Speaker of the House, announcing the concurrence of the House [in] the amendment proposed by the Council in the Resolution to meet to elect a Chaplain and School Commissioners. The Council proceeded to the Representatives' Room for the purpose of Electing a Chaplain for the remainder of the session, when the Rev. Chester Wright was elected and the Council returned to their chamber.

The Petition of Enoch Pillsbury was called up and Dismissed. The vote to Dismiss the Petition of Daniel Sartwell, Oct. 27, was reconsidered and a motion to discharge was decided in the negative by the casting vote of the Lieut. Governor. Yeas 5. Nays 6. Those who voted in the affirmative are Messrs. Janes, Leavenworth, Loveland, Phelps of W. Robinson. Those who voted in the negative are Lieut. Gov. Egerton and Messrs. Brainerd, Graves, Howe, Pettibone, Phelps of A. Adjourned to 9 o'clock tomorrow morning.

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SATURDAY Oct. 29<sup>th</sup> 9 O'clock A. M.

The Council met &c. The House sent up for concurrence the following, to wit, Resolved, the Governor & Council concurring herein, that the Committee on Roads and Canals be instructed to enquire into the expediency of providing by law for removing obstructions on White river and its tributary Streams where the obstructions by flood wood do endanger roads and bridges and lands, and report by Bill or otherwise. Read and *Resolved* to concur. Also the following, to wit, Resolved, the Governor and Council concurring herein, that the Jud. Committee be directed to enquire into the expediency of passing a law declaring that a Judge of the Supreme Court shall not sit in any County Court while there is a cause on the Docket of said Court wherein said Judge has been counsel to either party. Read and *Resolved* to Concur.

The House sent up for concurrence in the reference the following, to wit, The Petition of the Select men of Albany, Ref<sup>d</sup> to Land Tax Com. The Petition of J. W. Copeland and others Ref<sup>d</sup> to Mil. Com. Remonstrance of Luther Clark and others Ref<sup>d</sup> to Com. R. & Canals. An Act to authorize the appointment of Commissioners to take acknowledgment of Deeds and instruments of writing and the depositions of witnesses out of the State, Ref<sup>d</sup> to Jud. Committee. An Act regulating the Chartering of Banks, Ref<sup>d</sup> to Com. on Banks.

The House sent up for Recommitment the following, to wit, An Act to incorporate the President, Directors and Company of the Bank of Woodstock, Ref<sup>d</sup> to Com. on Banks. An Act directing the Treasurer to pay Jno. McDuffie the sum therein mentioned, Ref<sup>d</sup> to Com. on Claims. The Petition of Peter Sax and others, The Petition of Elisha Barney & others Ref<sup>d</sup> to Com. on R. & Canals. An Act in addition to the several Acts regulating the limitation of Actions, Ref<sup>d</sup> to Jud. Com<sup>tees</sup>.

The House sent up for revision &c. the following, to wit, An Act altering the name of Curtis Flint, An Act altering the name of James Sturdevant, An Act laying a Tax on the lands in Lincoln, An Act Do. Do. Roxbury, An Act Do. Do. Eden, An Act for the relief of Mary Burnham, An Act to enable Alex. Frazer to hold and convey real estate, An Act to incorporate certain persons therein named by the name of the Bennington East Village Fire Company, An Act for the benefit of the Town of Canaan, An Act making further provision for the partition of real Estate, An Act for the relief of Samuel Foote & Joseph Soule, An Act to Incorporate the Brattleboro' East Village High School, An Act for the relief of the Town of Moretown, An Act to revive an Act laying a Tax on the lands in Jay passed Oct. 28, 1829, An Act to revive An Act entitled "An Act laying a tax on the Lands in Bolton," An Act to revive an Act laying a tax on the town of Stamford, which were severally read and *Ordered* to lie on the Table.

The following Acts, which were yesterday ordered to lie on the table, were called up and the Council *Resolved* to Concur in passing separately, to wit, An Act laying a Tax on Bromfield [Bloomfield,] An Act Do. Do. Greensboro, An Act to Incorporate Wallingford Village Fire Company, An Act relating to the appointment and duties of Inspectors of Hops in and for the State of Vermont, An Act laying a Tax on Bradley Vale. *Ordered* That the Secretary &c.

Mr. Loveland on motion and leave introduced the following Resolution, to wit, Whereas the Governor & Council have been Apprised that the House of Representatives have passed a Resolution imposing duties upon the several Councillors without their consent with an apparent view contrary to the former usage to exclude his Honor the Lieut. Governor from a participation in the performance of said duties, therefore *Resolved* by the Governor and Council that the said Resolution recently passed by the House of Representatives is an infringement upon the rights and privileges of their [this] honorable body. Read and *Ordered* to lie on the table.<sup>1</sup>

<sup>1</sup> This was occasioned by a resolution of Peter Burbank of Newbury, adopted by the House on the 25th of October, which provided that each County Convention for the nomination of county officers should be composed of the *Representatives* and *Councillors of the County*. The object was to exclude the Lieutenant Governor, and in this case had reference specially to the Convention of Orange County.

The Act in addition to the several Acts providing for the appointment of Notaries Public, yesterday laid on the table, was called up and on Motion of Mr. Phelps of A. was amended as follows, to wit, Strike out in the 5<sup>th</sup> line of the Act the words "in the month of December" and insert in lieu thereof the words "at their first stated session after the second thursday of October." Adopted and Mr. Phelps appointed to give reasons, [which were agreed to, as follows:] *To the General Assembly:* The Governor and Council would respectfully assign as a reason for the amendment proposed to the bill entitled "An Act in addition to the several Acts providing for the appointment of Notaries Public," that [it] is deemed more Convenient that the powers conferred upon County Courts should be exercised at their Stated Session rather than to call the Judges together solely for that purpose. In behalf of the Governor & Council. October 29, 1831. SAMUEL S. PHELPS.

*Resolved* to Concur in passing as amended. Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—Council met &c. And Adjourned to 9 O'clock on Monday Morning.

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MONDAY Oct. 31<sup>st</sup> 1831. 9 o'clock A. M.

Governor and Council met &c. The House sent up for concurrence the following Resolutions, to wit, Resolved, the Governor and Council concurring herein, that the Committee on Military affairs be instructed to enquire into the expediency of so altering the Military Law that the soldiery be not liable to muster by Brigades in time of Peace, and Report by Bill or otherwise. Read and Resolved to Concur. Also the following, to wit, Resolved, the Governor & Council concurring herein, that the Gen. Committee be instructed to enquire into the expediency of so altering our present Listing system as to embrace and secure to be set in the Grand List of the several towns in this State all the monies on hand and debts due to the full amount at 6 per cent. and report by Bill or otherwise. Read and Resolved to Concur. Also the following, to wit, Resolved, the Governor and Council concurring herein, that the Senators from this State in the Congress of the United States be instructed and the Representatives be requested to use their exertions to procure the passage of a Law for the more perfect organization of the Militia of the several States. Read and Resolved to Concur. Ordered &c. Also the following, to wit, Resolved, the Governor & Council concurring herein, that the Jud. Committee be instructed to enquire into the expediency of so altering a Law passed Nov. 17, 1825, Pages 8th and 9th, as that the persons therein named may be confined in the State Prison instead of the County Jail, and report by Bill or otherwise. Read & Resolved to concur. Also the following, to wit, Resolved, the Governor & Council concurring herein, that both Houses meet in joint Committee in the room of the House of Representatives on Weds. next at 10 o'clock A. M. for the purpose of electing a Major General of the 3<sup>d</sup> Division of the Militia of this State to supply the vacancy occasioned by the resignation of Gen<sup>l</sup> Ville Lawrence. Read & Resolved to Concur. Ordered &c. Also the following, to wit, Resolved that the Jud. Committee be instructed to enquire into the expediency of passing a Law to increase the bounty for the destruction of Wolves in this State. Read and Resolved to Concur. Also the following, to wit, Resolved that the Jud. Committee be instructed to enquire into the expediency of passing a Law for a more summary and less expensive mode than the existing Law for removing tenants who hold over and for removing trespassers, and report

by Bill or otherwise, *Read & Resolved* to concur. Also the following, to wit, *Resolved* that the judicial Committee be instructed to enquire into the expediency of so amending the Listing law that a more speedy mode may be had for making the list and for the assessing and collection of taxes. *Read and Resolved* to Concur. Also the following, to wit, *Resolved* that the General Committee be instructed to enquire into the expediency of providing by law that all stud Horses and Jacks kept within the State for the use of Mares shall hereafter be set in the list of the towns where such Stud Horses or Jacks shall be kept at three hundred dollars. *Read and Resolved* to Concur. Also the following, to wit, *Resolved* that the Jud. Committee be instructed to enquire into the expediency of repealing all the Laws of the State in relation to usury, and that they have liberty to report by Bill or otherwise. *Read and Resolved* to Concur.

The House sent up for concurrence in the reference the following, to wit, The Petition of Z. Thompson, Refer'd to Com. on Education. A Remonstrance from the Inhabitants of the Town of Warren, Refer'd to Com. on Roads & Canals. An Act authorizing Malcom Corlan to hold and convey real estate, Refer'd to Jud. Com. An Act annexing a part of Fayston to Waitsfield, Refer'd to Gen<sup>l</sup> Com. An Act constituting a New County by the name of Lamoille, Refer'd to Select Com : on New County by name LaMoille. Petitions of Cha<sup>s</sup> Whittemore and others, of Tho<sup>s</sup> Waterman and others, Do. Do. Remonstrances of Jotham Cummings and others, Timothy Hinman and Two hundred others, Abner Allyn and 79 others, Noyes Hopkinson & 26 others, Ref'd to Select Com. on this subject, [and] Mr. Robinson [was appointed to join.]

Resolution respecting the appointment of Commissioners to ascertain the boundary line between this State and the State of New Hampshire: Commissioners [committee] appointed by the house are Messrs. Burbank, Lyman of Hartford, Whitney of Brattleboro', Morrill of Sutton, Hubbard of Guildhall. Mr. Cobb appointed from the Council.

The House sent up for Revision &c. the following engrossed Bills, to wit, An Act Altering the name of the town of Kelley Vale, Laid on the Table. An Act in addition to an Act entitled an "Act regulating conveyances of real estate and for the prevention of frauds therein," passed March, 6, 1797. Laid on [the] Table.

The following Bills yesterday laid on the table were taken up and disposed of as follows : An Act to revive an Act laying a tax on the Lands in Stamford, *Resolved* to Concur. An act to revive An Act laying a Tax on the Lands in Bolton, *Resolved* to Concur. An Act to revive An Act Laying a tax on the Lands in Jay passed October 28th, 1829, *Resolved* to Concur. An Act for the relief of Samuel Foote & Joseph Soule, *Resolved* to Concur. An Act to Incorporate the Brattleboro' East Village High School, *Resolved* to Concur. An Act making further provision for the partition of Real estate, *Resolved* to Concur. An Act to enable Alexander Fraser to hold and convey real estate, *Resolved* to Concur. An Act for the relief of Mary Burnham, *Resolved* to Concur. An Act laying a tax on Lincoln, *Resolved* to Concur. An Act laying a tax on Eden, *Resolved* to Concur. An Act Altering the name of Curtis Flint, *Resolved* to Concur. An Act Altering the name of James Sturdevant, *Resolved* to Concur.

The act to incorporate certain persons therein named by the names of the Bennington East Village Fire Company was called up and on motion of Mr. Howe was amended as follows : Insert at the end of the Bill the following further proviso, to wit, "And provided also that nothing in this act shall be so construed as to prevent any future Legislature from altering or repealing the same." Amendment Adopted. Mr. Howe

appointed to give reasons, [who assigned the following :] To the General Assembly now sitting : The undersigned, appointed by the Governor and Council to assign reasons for the proposed amendment to the Bill entitled "An Act to incorporate certain persons therein named by the name of the Bennington East Village Fire Company," would respectfully refer your honorable body to the reasons assigned for a similar amendment proposed by the Governor and Council to an Act entitled "An Act to incorporate the Brattleboro Fire Society." All of which is respectfully submitted.

Z. HOWE.

*Resolved* to Con. as Am'd. Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—Council met &c. The House sent up for concurrence in passing, the following, to wit, *Resolved*, the Governor & Council concurring herein, that the Gen. Committee be instructed to enquire into the expediency of so altering the existing Law on the subject of laying roads that the same shall be wholly confined to the road Commissioners or to a Committee appointed by the Court. Read and *Resolved* to concur. Also the following, to wit, *Resolved*, the Governor & Council concurring herein, that the Jud. Committee be instructed to enquire into the expediency of providing by Law for a Judicial investigation before the Supreme Court of all Claims arising from unconstitutional enactments of the Legislature of this State, and report by Bill or otherwise. Read and *Resolved* to Concur. Also the following, to wit, *Resolved*, the Governor & Council concurring herein, that both Houses meet in the Representatives' Room at 10 o'clock Wednesday morning next, for the purpose of electing Directors of the Vermont State Bank and a Bank Inspector for the year ensuing. Read & *Resolved* to Concur and Ordered &c.

The House sent up for concurrence in the reference, to wit, An Act repealing part of an act therein mentioned, [and] An Act in addition to the Act constituting a Court of Chancery, Ref'd to Jud. Com. Remonstrance of Jacob Hunt and others, Refer'd to Com. Roads & Canals. Petition of Ira Angell, Refer'd to Select Com : Mr. Janes [appointed to join.]

The House sent up for revision &c. The following, to wit, An Act laying a tax on the Lands in Richford, An Act Laying a Tax on the lands in Brunswick, An Act Do. Do. Sherburne, An Act Do. Do. Granby, An Act to repeal an Act entitled "an Act to preserve fish in the waters of Starksborough," An Act in addition to an Act entitled "An Act to promote the breed of sheep and preserve the Different breeds distinct," An act directing the Treasurer to pay Joseph Howes the sum therein mentioned, An Act for the relief of Searsburgh Turnpike Company, An Act assessing a Tax of 2 cents on each acre of Land in the Town of Alburgh for the purpose of defraying the expenses of a Lawsuit in the name of the University of Vermont against Elisha Reynolds, An Act directing the Treasurer to pay Azariah Webb the sum therein mentioned, An Act laying a tax of four cents on each acre of land in the Town of Orange, An Act establishing the line between the Town of Belvidere and the Town of Eden, [severally] Laid on the Table.

On motion of Mr. Robinson, Amasa Buckingham bad leave to withdraw his petition for Pardon. Adjourned to 9 O'clock tomorrow morning.

TUESDAY NOV. 1<sup>st</sup> 1831. 9 O'clock A. M.

Council met &c. The Petition of A. M. Sherman, a Convict in the State Prison, was called up and Petitioner discharged on condition of

leaving the State within 30 days. Yeas 7. Nays 3. Those who voted in the affirmative are Messrs. Brainerd, Graves, Janes, Leavenworth, Loveland, Pettibone, Phelps of W. Those who voted in the negative are Messrs. Cobb, Howe, Robinson. The Vote to dismiss the Petition of Moses Clough, a Convict in the State's Prison, on Motion of Mr. Cobb was reconsidered and Petitioner *discharged*. Yeas 10. Nays 0. Those who voted in the affirmative are Messrs. Brainerd, Cobb, Graves, Howe, Janes, Leavenworth, Loveland, Pettibone, Phelps of W. Robinson.

A communication was received from the Speaker of the House of Representatives announcing the concurrence of the House in the amendments proposed by the Council to the Bill "laying a tax on the County of Essex," also to the Resolution relating to "thanksgiving &c." And to the "Act in addition to the several acts relating to Notaries Public." The vote to dismiss the Petition of Calvin Miller, a Convict in the State Prison, on Motion of Mr. Loveland was reconsidered and the Petitioner on Motion of Mr. Janes was discharged on condition of leaving the State within 30 Days. Ayes 7. Nays 3. Those who voted in the affirmative are Messrs. Brainerd, Graves, Janes, Leavenworth, Loveland, Pettibone, Phelps of W. Those who voted in the negative are Messrs. Cobb, Howe, Robinson. The vote to dismiss the Petition of David Older, a Convict in the State Prison, on Motion of Mr. Pettibone was reconsidered and Petitioner was *discharged* on condition of leaving the State within 30 days. Ayes seven. Nays 3. Those who voted in the affirmative are Messrs. Brainerd, Graves, Janes, Leavenworth, Loveland, Pettibone, Phelps of W. Those who voted in the negative are Messrs. Cobb, Howe, Robinson.

The House sent up for concurrence the following resolution, to wit, Resolved, the Governor and Council concurring herein, that Benjamin F. Deming of Danville and George T. Hodges of Rutland be and hereby are appointed a Committee to attend at the State Prison in the Month of September next to make an appraisal and inventory of all property belonging to said prison and also to settle with the Superintendent and investigate all the accounts of said prison and report to the next session of the Legislature. Read and *Resolved* to Concur. Ordered &c.

The House sent up for concurrence in the Reference the following, to wit, An Act to pay S. B. Booth the sum therein mentioned, Ref'd to Committee on Claims. An Act Incorporating the Bellows Falls Manufacturing Company, Refer'd to Committee on Manufactures. Memorial of American Convention For Abolishing Slavery, [and] Memorial of Surviving officers and Soldiers of Revolutionary Army, Referd to Select Com. of 4: Mr. Phelps of A. [appointed to join.] An Act altering the boundaries of the Towns of Salem, Charleston, Morgan & Derby, Referd to Select Com. of 4: Mr. Robinson [appointed to join.] A communication from his Excellency the Governor giving notice that Samuel Fay had declined accepting the office of Jail Commissioner for the County of Bennington, Refer'd to Members From Bennington Co: Mr. Pettibone [appointed to join.]

The House sent up for revision &c. the following, to wit, An Act to repeal an Act therein mentioned, An Act repealing a part of an Act therein mentioned, An Act directing the Treasurer to pay Nancy Thompson the sum therein mentioned: Laid on the Table. Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—Council met &c. The "Act repealing an Act therein mentioned," was called up and on motion of Mr. Loveland, *Resolved not* to Concur. Ordered &c.

The following Bills, laid on the table yesterday, were called up and



disposed of as follows, to wit, An Act laying a Tax on Roxbury, *Resolved* to Concur. An Act for the benefit of Canaan, Laid on the Table. An Act for the relief of Moretown, *Resolved* to Concur. An Act in addition to an Act entitled an Act regulating conveyances of real estate and for the prevention of frauds therein, passed March 6, 1797, *Resolved* to Concur. An Act Altering the name of the Town of Kelley Vale, *Resolved* to Concur. An Act laying a Tax of 4 Cents on each acre of Land in the town of Orange, *Resolved* to Concur. An Act directing the Treasurer to pay Azariah Webb the sum therein mentioned, laid on the Table. An act assessing a Tax of two cents on each acre of land in the Town of Alburgh for the purpose of defraying the expences of a law suit in the name of the University of Vermont against Elisha Reynolds, *Resolved* to Concur. An Act for the relief of the Searsburgh Turnpike Company, *Resolved* to Concur. An Act directing the Treasurer to pay Joseph Howes the sum therein mentioned, *Resolved* to Concur. An Act to repeal an Act entitled an Act to preserve the fish in the waters of Starksborough, *Resolved* to Concur. An Act laying a tax on Sherburne, *Resolved* to Concur. An Act Do. Granby, *Resolved* to Concur. An Act in addition to an Act entitled an Act to promote the breed of Sheep and preserve the different breeds distinct, *Resolved* to Concur. An Act laying a Tax on the lands in Richford, *Resolved* to Concur. An Act laying a Tax on the Lands in Brunswick, *Resolved* to Concur.

The Act for the benefit of the town of Canaan was again called [up] and *Resolved* to Concur.

The Resolution of Mr. Loveland respecting a Resolution of the House excluding the Lieut. Governor from voting in County Conventions was called up, ordered to lie on the table and be made the order of the day for tomorrow morning. Adjourned to 9 O'clock tomorrow morning.

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WEDNESDAY Nov. 2<sup>nd</sup>, 1831. 9 O'clock A. M.

The Council met &c.

The Resolution introduced by Mr. Loveland respecting a Resolution of the House was called up and on motion of Mr. Cobb committed to a Committee of two, Mr. Loveland and Mr. Janes.

The Bill to pay Azariah Webb the sum therein mentioned was called up and *Ordered* to lie.

The Council proceeded to the Representatives' Room in pursuance of Adjournment and joint Resolutions, where, having attended to the election of County Officers, Commissioners of Schools, and Major General of the 3d. division, the Committee dissolved and the Council returned to their Chamber.<sup>1</sup>

The House sent up for concurrence in passing the following, to wit, Resolved, the Governor and Council concurring herein, that the Gen. Committee be instructed to enquire into the expediency of providing for a more uniform system of weighing all articles which have heretofore been grossed, and report by bill or otherwise. Read and *Resolved* to Concur. Also the following, to wit, Resolved, the Governor and Council concurring herein, that the Jud. Committee be instructed to enquire into the expediency of passing a Law authorizing and empowering executors and administrators to maintain actions for the recovering of real and personal property which has been fraudulently conveyed by their

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<sup>1</sup> Benjamin F. Deming, Jacob Collamer, Benjamin F. Bailey, William Page, and John Phelps were elected Commissioners of Common Schools, and Zadock Coleman was elected Maj. General.

testators or intestates when said property is wanted for the payment of debts against the estates of their said testators or intestates, and report by Bill or otherwise. Read and *Resolved* to Concur. Also the following, to wit, Resolved, the Governor & Council concurring herein, that the Jud. Committee be instructed to enquire into the expediency of authorizing the Supreme Court in their discretion to grant Bills of divorce where the petitioner<sup>1</sup> has been or shall be sentenced to the State Prison for a term of years. Read and *Resolved* to concur. Also the following, to wit, Resolved, the Governor and Council concurring herein, that the Gen. Committee be instructed to enquire into the expediency of repealing the whole of the present Listers' act and providing a system whereby all property both real and personal shall be appraised and assessed at such rate pr. cent. as shall be thought proper, and report by Bill or otherwise. Read and *Resolved* to concur. Also the following, to wit, Resolved, the Governor and Council concurring herein, that the Committee on Roads and Canals be instructed to enquire into the expediency of defining by Law the time within which appeals shall be taken from decisions of Road Commissioners in laying out roads. Read and *Resolved* to Concur. Also the following, to wit, Resolved, the Governor and Council concurring herein, that the Superintendent of the Vermont State Prison be authorized to pay for the services of the Chaplain a sum not exceeding one hundred Dollars annually in addition to the sum now allowed by law for the Salary of the Chaplain at the State Prison, the same to be paid from the (State prison) funds only. Read and *Ordered* to lie on the table. Also the following, to wit, Resolved, the Governor and Council concurring herein, that the Senators of this State in the Congress of the United States of America be instructed and the Representatives be requested to use their exertions to procure an appropriation from the General Government sufficient to erect a *Breakwater* in Lake Champlain opposite the Village of Burlington: read and *Ordered* to Lie on the Table.

The House sent up for concurrence in the Reference An Act in addition to an Act relating to Roads & Bridges, [referred] to Com. R. & Canals. An Act in Addition to an Act relating to pounds, estrays and lost Goods, passed Nov. 2, 1797, Refer'd to the Gen. Com.

The House sent up for revision &c. An Act in addition to and in alteration of an Act entitled "an Act to enforce the due observation [observance] of the Sabbath," An Act authorizing the Green Mountain Turnpike Company to resurvey and alter their road, An Act in addition to an act entitled "An Act against disturbing the remains of the dead," passed February the 6<sup>th</sup>. 1824, and the Act in addition thereto passed November 8<sup>th</sup>. 1830, An Act in amendment of an act entitled an Act in addition to an Act entitled an Act directing the process against the Trustees of concealed and absconding debtors and the several acts in addition thereto, An Act granting a ferry to Eli Chittenden, [severally] Read and *Ordered* to lie on the table. Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—Council met &c. The Act in addition to and in alteration of an Act entitled an Act to enforce the due observance of the Sabbath was called up and Resolved not to concur in passing. Mr. Phelps of A. ap. &c. [who assigned the following:] *To the General Assembly*—The Governor and Council having nonconcurring in passing the within bill would respectfully assign to the Assembly as a reason therefor that every purpose of the within Bill seems to be fully answered by

<sup>1</sup> Thus in the journal of each House, but it is evident that *petitioner* was intended.

the Act passed Nov. 13, 1827. (See Laws of 1827, page 30.) It is presumed that the Act of 1827 was not adverted to by the House, as it was overlooked by the Committee who reported this bill.

S. S. PHELPS, in behalf of Governor & Council.

Nov. 2<sup>nd</sup>. 1831.

Mr. Janes Introduced the following Resolution, to wit, Resolved, the House of Representatives concurring herein, that the Committee on Education be instructed to enquire if any, and if any what, further provision is required to carry into effect the provisions of the Act entitled an Act regulating the practice of Physic and Surgery within this State, particularly with respect to the granting of Medical degrees, and report by Bill or otherwise. Read and passed and Ordered &c.

The Act in Addition to an Act entitled an Act against disturbing the remains of the dead, passed Feby 6, 1804, and the Act in addition thereto passed Nov. 8, 1830, was called up and *Resolved* to Concur with the following amendment, to wit, Insert in the 7th line, after the word Court, the words "or either of the Judges thereof."

The Act in amendment of an Act entitled an Act in addition to an Act entitled an Act directing proceedings against the trustees of concealed or absconding debtors and the several Acts in addition thereto, was called up and *Resolved* to concur.

The Act directing the Treasurer to pay Nancy Thompson the sum therein mentioned was called up and a motion made to amend by inserting the words "the Administrator on the estate of John C. Thompson late of Burlington deceased intestate" in lieu of the words "Nancy Thompson" in the title of the Act, and by erasing the name of "Nancy Thompson" wherever it occurs in said Act and inserting the words "said Administrator" in lieu thereof, and by erasing the words "of Burlington," and that the words "her late husband" in the 2<sup>nd</sup> line from bottom be erased. *Ordered* to lie on the table. Adjourned to 9 o'clock tomorrow morning.

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THURSDAY, Nov. 3<sup>rd</sup>. 9 o'clock A. M.

The Council met &c. The House sent up for concurrence the following Resolution, to wit, Resolved, the Governor and Council concurring herein, that the Committee of Ways & Means be instructed [to inquire] into the expediency of Altering the time of making out the rate Bill for State and school taxes. And also the time of paying said taxes into the respective town and State Treasuries, and report by Bill or otherwise. Read and *Resolved* to concur.

The House sent up for Recommitment the following, to wit, An Act laying a tax on the lands in Goshen and Harris' Gore, Recom<sup>d</sup> to Land Tax Com.

The House sent up for concurrence the following, to wit, An Act laying a tax on the lands in Groton, Referred to Land Tax Com. An Act Regulating the Chartering of Banks, Ref<sup>d</sup> to Com. on Banks. An Act in addition to an Act entitled an Act relating to roads and Bridges, Refer<sup>d</sup> to Com. on Roads & Canals. An Act directing the Treasurer to pay the Town of Castleton the sum therein mentioned, Refer<sup>d</sup> to Com. on Claims. An Act in addition to an Act entitled "an Act for incorporating a part of the towns of Newhaveu, Panton and Ferrisburgh," passed Oct. 23<sup>d</sup>. 1788, [and] An Act to repeal an Act therein mentioned, Refer'd to Judiciary Committee. An Act directing the Treasurer of this State to pay Hugh Moore and others the sum therein mentioned, Refer'd to Com. on Claims.

The House sent up for revision &c. the following, to wit, An Act directing the Treasurer to pay Jno. McDuffie the sum therein mentioned, An Act to preserve the fish in Leicester Pond, An Act to Incorporate the Vershire Copper Manufacturing Company: [severally] Laid on the Table. An Act laying a Tax on the lands in Wenlock, laid on the Table but subsequently called up and *Resolved* to concur in passing.

The Act with amendment proposed directing the Treasurer to pay Nancy Thompson the sum therein mentioned was called up, Amendment adopted, *Resolved* to Concur as amended. Mr. Phelps of Windham appointed to give reasons. An Act granting a Ferry to Eli Chittenden was called up and *Resolved* to Concur. The Act authorizing the Green Mountain Turnpike Company to resurvey and alter their road was called up and *Resolved* to Concur.

The Bill to pay Azariah Webb the sum therein mentioned was called up and on the question, Will the Council Concur in passing? The Yeas and Nays were ordered and the vote stood as follows, Yeas 4, Nays 6. Those who voted in the affirmative are Messrs. Graves, Leavenworth, Pettibone, Robinson. Those who voted in the negative are Messrs. Brainerd, Cobb, Janes, Loveland, Phelps of A. Phelps of W. Whereupon the Council *Resolved* not to concur. Mr. Cobb was appointed to give Reasons, who assigned the following: The Governor and Council respectfully assign to the Gen<sup>l</sup> Assembly the following reasons for non-concurring in the Passage of this bill. The Legislature having in the year 1828 passed upon the Claim of the said Webb and allowed him such sum as they thought just, it is impolitic for a future Legislature to allow him an additional sum for the same alleged services upon the same principles and evidence as were acted upon by a previous Legislature; that the claim of the said Webb is of an ancient date and of a very doubtful character.

DANIEL COBB.

Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—Council met &c. The Act establishing the line between the Town of Belvidere and the Town of Eden, laid on the Table Oct. 31<sup>st</sup>, was called up and *Resolved* to Concur. An Act repealing part of an Act therein mentioned, laid on the table Nov. 1, was called up and *Resolved* to Concur. Adjourned to 9 o'clock tomorrow morning.

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FRIDAY Nov. 4<sup>th</sup> 9 O'clock A. M.

The Governor & Council met &c. The House sent up for concurrence the following Resolution, to wit, Resolved, the Governor & Council concurring herein, that both Houses meet in the Representatives' room at ten o'clock on Monday Morning next for the purpose of electing a Brigadier General in the second Brigade and third division of the Militia to supply the vacancy occasioned by the promotion of General Coleman. Read and *Resolved* to Concur. Ordered &c. Also the following to wit, Resolved the Governor and Council concurring herein, that both Houses meet in joint Committee in the Representatives' Room on Monday next at 10 o'clock A. M. for the purpose of electing a Brigadier General of the 1<sup>st</sup> Brigade and 3<sup>rd</sup> Division of the Militia of this State to supply the vacancy occasioned by the resignation of Gen<sup>l</sup> Samuel P. Strong. Read and *Resolved* to Concur. Ordered &c.

The House sent up for recommitment the following, to wit, An Act for the relief of William Felton, Ref<sup>d</sup> [recommitted] to Com. on Ways & Means.

The House sent up for concurrence in the reference, to wit, Memorial of the Inhabitants of the Towns of Charleston, Morgan, Derby & Salem

in relation to a *New Town*, Refer'd to Com. on lines of Towns Mentioned [and] Mr. Robinson [appointed to join.] Mr. [Hon. George T.] Hodges' Report and Account, Refer'd to Com. on Claims.

The House sent up for Revision &c. the following, to wit, An Act to Incorporate the Weybridge Manufacturing Company, An Act granting to the Town of Newport further time for completing a road in said Town, An Act granting a further time for making a road in the Town of Roxbury, [severally] Laid on the Table.

The Petition of Edward Welch for Pardon and Restoration &c. was taken up and *Ordered* to lie on the table.

The Bill directing the Treasurer to pay John McDuffie the sum therein mentioned was called up and on a motion by Mr. Pettibone to amend by erasing in the 3d line the words "forty-nine dollars and twenty two cents," the Yeas and Nays were demanded and the amendment adopted. Yeas 7. Nays 6. Those who voted in the affirmative are the Lieut. Governor, Messrs. Howe, Jones, Leavenworth, Loveland, Pettibone, Phelps of A. Those who voted in the negative are Messrs. Brainerd, Cobb, Deming, Graves, Phelps of W. Robinson. *Resolved* to Concur as amended and Mr. Phelps of A. appointed to give reasons, [who reported the following:]

*To the General Assembly now in Session*—The Governor and Council having proposed so to amend the Bill entitled "an Act directing the Treasurer of this State to pay John McDuffie the sum therein mentioned" as to virtually destroy it, submit the following view of the case as furnishing their reasons for the proposed amendment.

The Surveys alluded to in the Report of the Committee on the petition of said McDuffie were not made under the authority of this State. They were made under the authority of an Act of Congress, for which an appropriation was made by Congress and the execution of the same was confided to the War Department of the United States. It also appears that said McDuffie was employed by the officers in that Department to do the services in question and paid by them the stipulated compensation. *Prima facie*, therefore, the services in question were rendered to the United States, and no obligation on the part of this State would result from the performance of them, inasmuch as the whole transaction was simply the execution of the Law of the United States by the officers of the General Government and at the expence as expressly provided by law of the National Treasury.

The only evidence presented to the Council tending in any degree to charge the Treasury of this State with the Claim of said McDuffie for the services in question is to be found in the Letter of the Late Governor Crafts of the 1<sup>st</sup> of July 1829. Without stopping to enquire how far the Governor might have been authorized, without any previous act or appropriation for the purpose, to implicate the State in the expence of surveys for the purposes of internal improvement, or to discuss the propriety or tendency of such a precedent, the Governor and Council deem themselves warranted by the most obvious reasons in asserting that this letter became, upon the rising of the Legislature in 1829, wholly and absolutely inoperative. The Letter disclaims any authority to pledge the State for any compensation; it gives, it is true, some encouragement, but it at the same time most explicitly refers the petitioner on that subject to the Legislative power. It could not have been considered by the late Governor or the petitioner, nor can it be now so regarded by the Governor and Council, that this letter was an authority to charge the State for services to be rendered at any future period, as an authority indefinite and unlimited either as to time or the extent of the services. The purport of it is simply to induce the petitioner to perform the ser-

vices until the Legislature should convene and act upon the subject. It certainly was never introduced to supercede the necessity of a Legislative Act as to any services to be performed after the session of 1829. The Governor and Council are advised that at the session of 1829 this subject was presented to the Legislature through a petition from said McDuffie, that they at that time passed an act paying said McDuffie for his services to that period but expressly refused an appropriation for future services. This is considered by the Governor and Council as decisive, and they are unable to discover by what train of argument it can be established that the letter in question, founded on no authority and professing none, is to be binding on the State as to services to be rendered thereafter for an indefinite period, the acts of the Legislature to the contrary notwithstanding. The pretence that no appropriation was made because, as the petitioner alleges, "it is a good paymaster who pays when the work is done," is not satisfactory. The Governor and Council feel at liberty to presume that the Legislature of 1829 were not so ill informed on the subject of Legislation as not to know that if the services were *ever* to be paid for an appropriation was necessary.

There is another objection to this claim. The account of the petitioner, as settled and paid by the War Department, which was presented to the Council, shows that both before and after the "23 Days" the petitioner was employed by the United States, as an Assistant Engineer. For this Service he was allowed at the rate of 3 dollars per day with an addition of 2 dollars for 2 Chainmen. This shews that the Officers were not limited as is pretended to 1 dollar per day. But during the "23 days" he was employed as a *Chainman* and for this service he could receive but 1 Dollar. Had he been wanted at this time *as an Engineer*, the documents shew that he could have been paid as such, at the rate of 3 dollars per day. As the petitioner during the period for which he now claims compensation was evidently acting as a mere chainman, and at a specified rate and paid accordingly, the Governor and Council are unable to discover their obligation to allow him an extra compensation simply because he was competent to act as Engineer if he had been intended as such—more especially as it is apparent that had he been employed by the United States as Engineer, he could have been paid accordingly. In behalf of the Governor & Council. S. S. PHELPS.

The Bill to preserve fish in Leicester Pond was called up and *Resolved* to Concur in passing. The Bill Incorporating the Vershire Copper Manufacturing Company was called up, Read and *Ordered* to lie on the Table.

The Resolution relating to a Chaplain of the State Prison, laid on the table Nov. 2, was called up, *Resolved not* to Concur. The Resolution relating to a Break Water opposite Burlington, laid on the Table Nov. 2, was called up and committed to a Committee of Three. Messrs. Pettibone, Leavenworth and Cobb were appointed.

The documents accompanying the Petition of James H. Howe were taken up and read. The Council adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—The Governor and Council met &c. The Petition of James H. Howe was called up and *Ordered* to lie on the Table.

Mr. Jones introduced the following Resolution, to wit, *Resolved*, the House of Representatives concurring herein, that the Judiciary Committee be instructed to enquire into the expediency of providing by Law for the appointment of Chaplain of the Vermont State Prison, fixing his salary, and report by Bill or otherwise. Read and Passed.

Mr. Loveland, from the Committee to whom was referred the Resolution relating to a Resolution of the House touching the rights of the Lieut. Governor, reported in lieu thereof the following, to wit;

Whereas the House of Representatives, without the concurrence of the Governor and Council, have "Resolved that the several County Conventions when convened for the purpose of Nominating County Officers shall be composed of the Representatives from the several towns in each County and also the Councillors of such County," thereby indirectly negating the right of the Lieutenant Governor to act in said Conventions: And whereas in conformity to the Constitution of this State County officers are elected by the joint vote of the Council and House of Representatives, and the Lieutenant Governor by virtue of his office is an acting Councillor and may vote in joint Committee of Both Houses and consequently must have the same right as Councillors to vote in County nominations: therefore

Resolved by the Governor and Council that the aforesaid resolution of the House of Representatives is an infringement of the rights of their body by *directly* making it imperative on the Councillors to sit in Conventions without asking their consent, and *indirectly* excluding the Lieut. Governor from performing duties devolving on him as a Councillor by the express power of the Constitution and the common consent of all former usage.

Resolved that the Secretary enter these Resolutions on the Journal of the Council.

On the Question shall the preamble and Resolutions pass? the Yeas and Nays were demanded and they were passed unanimously. Yeas 13. Nays 0. Those who voted in the affirmative were the Lieutenant Governor, Messrs. Brainerd, Cobb, Deming, Graves, Howe, Janes, Leavenworth, Loveland, Pettibone, Phelps of A. Phelps of W. Robinson.

The House sent up for Revision &c. the following, to wit, An Act for the relief of the President of Moor's Charity School and the Trustees of Dartmouth College: read and laid on the Table.

The Bill incorporating the Vershire Copper Manufacturing Company was called up and motion to amend made by inserting in the 4<sup>th</sup> line of the 6<sup>th</sup> Section after the word "Legislature" the words "to repeal, alter or amend," also by striking out in the 4<sup>th</sup> line of the same section the word "other." Amendments were adopted and *Resolved* to Concur as amended. Reasons by Mr. Deming [as follows:] The Governor and Council assign the following reason for the amendments proposed, to wit, that it is inexpedient to grant acts of incorporation unlimited as to time without reserving the power to repeal.

B. F. DEMING.

The Petition of Edward Welch was called up and on motion of Mr. Deming a Pardon was granted. Yeas 12. Nays 0. Those who voted in the affirmative are Messrs. Brainerd, Cobb, Deming, Graves, Howe, Janes, Leavenworth, Loveland, Pettibone, Phelps of A. Phelps of W. Robinson. Adjourned to 9 O'clock tomorrow morning.

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SATURDAY Nov. 5<sup>th</sup>. 9 O'clock A. M.

Governor and Council met &c. The House sent up for Concurrence the following, to wit, Resolved, the Governor and Council concurring herein, that both Houses meet in the Representatives' Room on Thursday of next week at six o'clock [A. M.] for the purpose of adjourning the Legislature without day. Read and *Ordered* to lie on the table. Also the following, to wit, Resolved, the Governor and Council concurring herein, that Both houses meet in the Representatives' Room on Monday morning next at 10 o'clock in the forenoon for the purpose of electing a Commissioner of the Deaf and Dumb to supply the vacancy occasioned by the resignation of Jno. Kellogg. Read & *Resolved* to concur.

The House sent up for concurrence in the Reference, to wit, An Act altering the times for holding the County Courts in Essex, Caledonia and Orleans Counties, Refer<sup>d</sup>. to Jud. Committee.

The House sent up for Revision &c. the following, to wit, An Act to repeal an act therein mentioned. On motion of Mr. Pettibone the Bill was amended by striking out all after the enacting clause, and *Resolved* to concur as amended. An Act directing the Treasurer to pay Azariah Webb the sum therein mentioned, An Act laying a Tax on the lands in Goshen & Harris' Gore, [and] An Act laying a Tax on the Lands in Groton, *Ordered* to lie. The Act Incorporating the Weybridge Manufacturing Company, yesterday laid on the table, was called up and *Ordered* to lie on the table together with a proposa<sup>l</sup> of amendment by Mr. Howe. Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—The Governor & Council met &c. His Excellency was pleased to appoint Levi B. Harrington of Shoreham, Inspector of Beef and Pork for the State of Vermont.

The Petition of Samuel Lynd for Pardon was taken up and *Ordered* to lie on the table.

The Act for the relief of the President of Moor's Charity School and the Trustees of Dartmouth College, laid on the Table yesterday, was called up and on the question will the Council non-concur in the passage of the Bill? the Ayes and Noes were demanded & *Resolved* not to concur. Ayes 7. Noes 5. Those who voted in the affirmative are the Lieut. Governor, Messrs. Howe, Loveland, Pettibone, Phelps of A. Phelps of W. Robinson. Those who voted in the negative are Messrs. Brainerd, Cobb, Deming, Graves, Leavenworth. Mr. Howe appointed to give reasons, [who assigned the following:] To the Hon. General Assembly now sitting—The Governor and Council would respectfully assign as the reasons for their nonconcurring in the passing of this bill that they apprehend that the Lands contemplated to be granted by the same to the Trustees of Dartmouth College *may* be forfeited to this State, and if so they should deem it inexpedient to grant them to an Institution out of our own State. They therefore consider it advisable to delay the passage of this Bill till the next session of the Legislature that some person may be appointed to Investigate this subject and report to the next session of the Legislature. Z. HOWE.

The Bill granting to the Town of Newport further time for completing a road in said Town, laid on the table yesterday, was called up and *Resolved* to Concur. The Bill granting the Town of Roxbury further time to construct a road, yesterday laid on the table, was called up and *Resolved* to concur. Adjourned to 9 o'clock Monday Morning.

#### MONDAY Nov. 7<sup>th</sup>.

The Governor and Council met &c. A Message was received from the House by Mr. Haight, one of its members, informing the Council that the House had nonconcurring in the amendment proposed by the Governor and Council to the Bill to repeal An Act therein mentioned, and giving their reasons therefor.

A Message was received from the House by Mr. Follett, one of its members, informing the Council that the House had not concurred in the amendment proposed by the Governor and Council to the Bill "authorizing the Treasurer to pay Nancy Thompson the sum therein mentioned," and assigning their reasons for the same.

The Bill to repeal an Act therein mentioned, returned from the House with non-concurrence in the amendment proposed by the Governor and



Council, was taken up and on motion of Mr. Pettibone *Resolved unanimously to suspend the same. Ordered &c.*<sup>1</sup>

Mr. Loveland Introduced the following resolution, to be appended to the Resolutions introduced by him previously, [on the rights of the Lieutenant Governor.] to wit, Resolved that the Secretary to the Governor and Council be directed to publish the foregoing resolutions : read and *Ordered to lie.*

The House sent up for concurrence the following resolution, to wit, Resolved, the Governor and Council concurring herein, that the two Houses meet in joint Committee on Monday next at 10 o'clock A. M. to choose a Brigadier General of the 3d. Brigade and 1<sup>st</sup>. Division of the Militia. Read and *Resolved to Concur. Ordered &c.* Also the following, to wit, Resolved, the Governor and Council concurring herein, that the Governor of the State be and he is hereby authorized to appoint four Commissioners to receive proposals from the inhabitants of the different towns in this State for the erection of a State House and make report to the next Session of the Legislature. Read and *Ordered to lie.*

The Bill directing the Treasurer to pay Nancy Thompson the sum therein mentioned, sent back from the House with the non-concurrence in the amendments proposed by the Governor and Council, was taken up and *Ordered to lie.*

The Governor and Council proceeded in accordance to adjournment and several joint resolutions to the Representatives' Room and having attended in joint Committee to the appointment of county officers, 4<sup>th</sup>. Assist. Justice of the Supreme Court (S. S. Phelps,) Directors of the Vermont State Bank, Inspector of Banks, one Commissioner of Deaf and Dumb, and three Brigadier Generals, the Committee Dissolved and the Council returned to their Chamber and Adjourned to 2 o'clock P. M.<sup>2</sup>

2 O'CLOCK P. M.—The Governor and Council met &c. The House sent up for concurrence in the reference the following, to wit, Report and Resolutions of Maine &c. [Reference to] Select Com. of 4, [and] Mr. Deming [appointed to join.]

The House sent up for Revision &c. the following, to wit, An Act authorizing Malcom Carlan to hold and convey real Estate, An Act directing the Treasurer to pay Hugh Moore and others the sum therein mentioned, An Act in addition to an Act to incorporate the Vermont Mutual [Fire] Insurance Company, An Act in addition to an act entitled an Act for regulating and governing the Militia of this State, An Act in addition to an Act entitled "an Act constituting Probate Courts, defining their powers and regulating the settlement of testate and intestate estates and the guardianship of minors and insane persons," passed Nov. 15<sup>th</sup>. 1821, An Act laying a Tax on the County of Franklin, An Act directing the Treasurer to pay Sylvester Edson the sum therein mentioned, An Act laying a Tax on the Lands in Albany, An Act in addition to an Act entitled "an Act regulating town meetings and the choice

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<sup>1</sup> The act proposed to be repealed provided a fifth Judge of the Supreme Court.

<sup>2</sup> The following elections were made : Samuel S. Phelps fourth Assistant Justice of the Supreme Court ; Benjamin Swan, John Phelps, and Edgar L. Ormsbee Directors of the Vermont State Bank ; Robert Pierpoint Inspector of Banks ; Charles Linsley Commissioner of the Deaf and Dumb ; Heman R. Smith, Oramel H. Nichols, and William Nash Brigadier Generals.

and duty of Town Officers," passed Feby. 28<sup>th</sup>. 1797; An Act to authorize the appointment of commissioners to take acknowledgements of deeds and instruments of writing and depositions of witnesses out of the State, An Act directing the Treasurer to pay the town of Castleton the sum therein mentioned, An Act in addition to "an Act dividing the State into Districts for Electing Representatives to [the] Congress of the United States and directing the mode of their elections," passed November 11<sup>th</sup>, 1822, An Act directing the Treasurer to pay John Jackson the sum therein mentioned, An Act to repeal the several Acts therein mentioned, An Act Limiting the time for the Collection of State and other Taxes, An Act to encourage the Destroying of Bears within this State, [severally] Laid on the Table.

The Bill Directing the Treasurer to pay Azariah Webb the sum therein mentioned was called up and on the question will the Council concur? the Yeas and Nays were demanded and *Resolved* to Concur. Yeas 7. Nays 4. Those who voted in the affirmative are Messrs. Brainerd, Cobb, Deming, Graves, Leavenworth, Pettibone, Robinson. Those who voted in the negative are Messrs. Howe, Janes, Loveland, Phelps of W.

The Bill laying a tax on the Town of Groton was called up & *Resolved* to Concur. The Bill laying a Tax on Goshen & Harris' Gore was called up & *Ordered* to lie.

The Bill directing the Treasurer to pay Nancy Thompson the sum therein mentioned, laid on the table in the forenoon, was called up and on motion to rescind from proposal of amendment the Yeas and Nays [were] demanded and motion carried. Yeas 8. Nays 4. Those who voted in the affirmative are Messrs. Deming, Graves, Janes, Leavenworth, Pettibone, Phelps of A. Phelps of W. Robinson. Those who voted in the negative are Messrs. Brainerd, Cobb, Howe, Loveland. *Resolved* to Concur in passing.

The Bill Incorporating the Weybridge Manufacturing Company was called up and *Resolved* [not] to Concur. Mr. Howe appointed to give reasons, [who reported as follows:] To the General Assembly now Sitting—The Governor and Council deem it inexpedient to pass laws creating private Corporations like the one contemplated by this Bill. All laudable objects of such incorporations may be readily attained by a co-partnership, and each partner would then be holden for all the debts contracted by such firm. The public Safety requires that they should be thus liable. The people of Vermont have already suffered too severely by such private acts of Incorporation to be unmindful of their interests in this particular. Numerous instances might be easily cited. But it is thought sufficient to call the attention of your honorable body to the fatal catastrophe of the Monkton Argil Company and the Vermont Glass Manufacturing Company. Both of these Companies contracted debts to a vast amount when they finally failed and their creditors were left remediless, not being able to find anything with which to secure themselves. The latter of these Companies even presumed to issue a sort of paper currency in the form of Checks upon a Bank in a foreign State. These Checks were for a time punctually redeemed, which tended to enable the Company to inundate the State with a spurious currency. All at once the Company disappeared and on examination it was found that this Glass Manufacturing Company had dwindled down to a single individual who for a considerable time had been President, and Vice President, Secretary and Directors and sole Stockholder, and this Individual had gone to Indiana. Thus the whole community were at once involved in one general calamity without the least prospect of any possible relief. The Governor and Council have been

unable to discover anything in this bill to guard the public against a similar result. They can but consider it not only inexpedient but highly dangerous to place in the hands of any men, however honest and honorable they may be, such facilities for defrauding the community. For Governor & Council,

ZIMRI HOWE.

The Resolution respecting the State House was called up and a motion to amend by Mr. Deming lost, also one by Mr. Pettibone lost, and on the question will the Council concur? the Yeas and Nays were ordered and *Resolved not to Concur*. Yeas 5. Nays 7. Those who voted in the affirmative are Messrs. Brainerd, Cobb, Howe, Pettibone, Phelps of A. Those who voted in the negative are Messrs. Deming, Graves, Janes, Leavenworth, Loveland, Phelps of W. Robinson.

The Act laying a tax on Goshen and Harris' Gore was called up and amended as follows: add the word "Gore" after the word Goshen in the title of the Act, also add the words "Gore adjoining Groton" after the word Goshen in the 3d. line, also strike out the word "Gore" in the sixth line and insert in lieu thereof the word "Gores." *Resolved to Concur as amended* and Mr. Deming appointed to give reasons, [who gave the following:] The Governor & Council assign the following reasons for the amendments proposed, viz. 1<sup>st</sup> Because there are 2 Gores of the name of Goshen Gore in Caledonia County. 2<sup>nd</sup> That the said Act may be more explicit. B. F. DEMING in behalf of Governor & Council.

Adjourned to 9 o'clock tomorrow morning.

TUESDAY Nov. 8<sup>th</sup>. 9 O'clock A. M.

The Governor and Council met &c. The House sent up for Revision &c. the following, to wit, An Act directing the Treasurer to pay George T. Hodges the sum therein mentioned, An Act for the Relief of the Weathersfield Turnpike Company, An Act in Addition to an Act relating to Weights & Measures, An Act altering the Terms of the Courts in certain cases, An Act in relation to set offs, [severally] Laid on the Table.

The following Bills, laid on the table yesterday, were severally called up and disposed of as follows: An Act Directing the Treasurer to pay John Jackson the sum therein mentioned, *Resolved to concur in passing*. An Act in addition to an Act entitled "An Act constituting Probate Courts, defining their powers and regulating the settlement of testate or intestate estates and guardianship of minors or insane persons," Passed November 15<sup>th</sup> 1821, *Resolved to Concur in passing*. An Act limiting the time for the Collection of State and other Taxes, *Resolved to Concur in Passing*. An Act laying a Tax on the County of Franklin, *Resolved to Concur in passing*. An Act in addition to "an Act to Incorporate the Vermont Mutual Fire Insurance Company," *Resolved to Concur in passing*. An Act directing the Treasurer to pay Hugh Moore and others the sum therein mentioned, *Resolved not to Concur*. Mr. Phelps of A. appointed to give reasons, [who gave the following:] The Governor and Council assign to the House of Representatives as a reason for not concurring in this Bill, that the subject of such claims is regulated by the General Laws, and the subject having been repeatedly acted upon by the Legislature, it is a fair presumption that they do not intend to recognize any claims of the kind except such as are provided for by the Statute. In Behalf of Governor & Council.

S. S. PHELPS.

On Motion of Mr. Pettibone the Council resolved to reconsider the vote non-concurring in the Bill to Incorporate the Weybridge Manufacturing Company, and Bill *Ordered* to lie on the Table. An Act authorizing Malcolm Carlan to hold and convey real estate, *Resolved to Con-*

cur. An Act directing the Treasurer to pay Sylvester Edson the sum therein mentioned, *Resolved* to concur in passing.

The House sent up for concurrence in the reference the fol. to wit, An Act granting a Tax upon the County of Washington, Refer'd to the members of Washington County to Join. Mr. Janes [appointed to join.] Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—Council Met, Lieut. Governor in Chair. Mr. Howe introduced a Bill entitled "an act for electing representatives to the Congress of the United States and directing the mode of their election." Refer'd to the Judiciary committee.

The resolution of Mr. Loveland was called up & *Ordered* to lie on the Table.

The House sent up for Revision &c. the following, to wit, An Act for the relief of William Randall, An Act in addition to an Act entitled "an Act for incorporating a part of the towns of New Haven, Panton, and Ferrisburgh," passed October the 23rd, 1788—[severally] Read & ordered to lie on Table.

A message was received from the House of Representatives by Mr. Haight, one of its members, returning the Bill [Mr. Howe's] introduced into the Council [this afternoon] and referred to the Judiciary Committee, with the reasons of the House for non-concurrence in the reference.

Acts from the House for Revision &c.—An Act making provision for settling the concerns of the Vermont State Bank and to repeal an Act therein mentioned, An Act extending the time and continuing in force for a limited period "an Act Granting John Niles the exclusive right of a Ferry," passed October 24<sup>th</sup>, 1823, An Act regulating the Taxation of Banks, An Act for the relief of the Town of Granby, An Act in addition to "an act constituting probate courts and defining their powers and regulating the settlement of testate and intestate estates and the guardianship of minors and insane persons," An Act to Incorporate the Rutland and White Hall Rail Road Company, An Act to Incorporate the Bennington & Brattleboro Rail Road Company, [severally] Laid on Table.

An Act regulating the Chartering of Banks was twice Read and on motion of Mr. Loveland was amended by inserting in the 4<sup>th</sup> line 1<sup>st</sup> Section after the word *created* the words "or rechartered," and *Resolved* to Concur as amended and Mr. Loveland appointed to give reasons, [who gave the following:] The Governor and Council assign as a reason for the proposed amendment that they presumed it to be the intention of the House to include in the operation of the act all Banks rechartered hereafter, and the word "rechartered" is inserted to render the act explicit. In behalf of the Gov. and Council. S. C. LOVELAND.

The Act repealing the Acts therein mentioned, laid on the table yesterday, was called up and *Ordered* to lie on the Table.

On motion of Mr. Robinson, *Resolved* that when the Council adjourn it adjourn to meet at 7 o'clock this day. Adjourned to 7 O'clock this evening.

7 O'CLOCK P. M.—Council met &c. The Lieut. Gov. in the Chair. The Act repealing the several Acts therein mentioned was called up and on the question will the Council concur? the Yeas and Nays were demanded and motion to concur lost. Ayes 6. Noes 6. Those who voted in the affirmative were Messrs. Brainerd, Cobb, Graves, Janes, Leavenworth, Phelps of A. Those who voted in the negative were Messrs. Deming, Howe, Loveland, Pettibone, Phelps of W. Robinson. And Mr. Deming appointed to give reasons, [who gave the following:] The Governor & Council assign the following reasons for non-concurrence in the

accompanying Bill, Viz. That it is inexpedient to repeal the laws relative to road Commissioners until that System has had a further trial.

B. F. DEMING.

The Bill Incorporating the Weybridge Manufacturing Company was called up and amended by adding the following Section: "Sec 6th. It is hereby further enacted that the Stockholders of said Company shall be taken and deemed to be partners so far as relates to the debts of said Corporation, and any executions issued against said Corporation for any debt or duty of said Corporation arising out of any contract express or implied by said Corporation made or entered into, may lawfully be levied of the goods, chattels or estate of any person who shall have been a Stockholder in said Company at any time after said debt or duty shall have accrued and before said execution shall have issued." *Resolved* to Concur as amended. Mr. Phelps Appointed to give reasons, [who gave the following:] To the General Assembly—The Governor and Council would respectfully suggest to the Assembly as a reason for the amendment proposed to the accompanying Bill, That the public have already suffered extremely by the insolvency of similar Corporations, and no reason is discovered by the Governor and Council why individuals, prosecuting business of the nature contemplated by this Bill for their private emolument, should not be responsible for debts contracted therein. In behalf of Governor and Council, Nov. 9, 1831. SAM<sup>L</sup>. S. PHELPS.

The joint resolution respecting the adjournment of the Legislature was called up and *Resolved* to Concur. Ordered &c.

The Petition of James H. Howe was called up and Fine remitted by the *unanimous* vote of the Council. The Petition of John Cameron was taken up and fine remitted by the *unanimous* vote of the Council.

The Committee, to whom was committed the resolution relating to a Breakwater in Lake Champlain opposite Burlington, reported that they had had the same under consideration and that it ought to pass. *Resolved* to concur in passing. Ordered &c.

The Bill in addition to an Act entitled "an Act for regulating and governing the militia of this State" was called up and amended as follows: strike out the title and insert in lieu thereof the following, to wit, "An Act in addition to and explanatory of an Act entitled an Act in alteration of the several Acts regulating and governing the Militia of this State." Also strike out the *Proviso* in the Act and insert the following, to wit, "Provided nevertheless that this Act shall in no wise alter that part of the nineteenth section of the act entitled "an Act for regulating and governing the Militia of this State" passed November 10<sup>th</sup>. 1818, which requires annually in the month of June the inspection and examination of Arms." Also add the following, to wit, "Section 6. It is hereby further enacted that all and every part of an Act heretofore enacted which provides for any exemption from taxation of persons liable to do military duty or equipped therefor, by reason of such person or persons being so liable or equipped, or for the exemption from taxation of Parents or guardians by reason of their equipping minors for such duty, be and the same are hereby repealed." *Resolved* to concur in passing as amended, And Mr. Phelps of A. appointed to give reasons, [who gave the following:] To the General Assembly—The Council proposed to amend the proviso of this act because as originally drafted the proviso would authorize two trainings in each year. They also propose to add the 2<sup>nd</sup> [6th] Section because they consider that if the Militia are relieved from the burden of Military duty there is no longer any reason for any exemption from Taxation. In behalf of Governor & Council,

S. S. PHELPS.

On motion of Mr. Howe leave of Absence was granted to Mr. Pettibone from and after tomorrow. Adjourned to 9 o'clock tomorrow morning.

WEDNESDAY, Nov. 9<sup>th</sup>. 9 o'clock A. M.

Council met &c. Lieut. Gov. in the Chair. The Act for electing representatives to Congress, returned yesterday from the House with non-concurrence in the reference, was called up and *Ordered* to lie on the table.

A written communication was received from the Speaker of the House informing the Council that the House had concurred in the amendments of the several Acts therein mentioned proposed by the Council.

(See communication on file.)

The Act in addition to "an Act dividing the State into districts for electing Representatives to the Congress of the United States and directing the mode of their election," Passed November 11, 1822, was called up and committed to Committee of one, Mr. Janes.

The Act to encourage the destroying of Bears was called up & *Resolved* to concur. The Act to authorize the appointment of Commissioners to take acknowledgments of Deeds and instruments of writing and the depositions of witnesses out of this State was called up and *Resolved* to Concur. The Act in Addition to an Act entitled "an Act regulating town meetings and the choice and duty of Town officers," Passed Feb. 28, 1797, was called up and *Resolved* to Concur. The Act directing the Treasurer to pay the Town of Castleton the sum therein mentioned was called up and *Resolved* to concur. The Act laying a tax on the lands in Hyde Park was called up and *Resolved* to Concur.

The House sent up for Revision &c. the following, to wit, An Act in alteration of an Act therein mentioned. Read and *Resolved* to concur. An Act altering the name of Phineland Blake, Read and *Resolved* to concur. An Act altering the times of holding certain County Courts, Read and *Resolved* to concur. An Act altering the time of holding the County Courts in Washington County, Read and *Resolved* to concur. An Act granting a tax upon the County of Washington, Read and *Resolved* to concur. An Act in relation to set offs was called up and *Resolved* to Concur. The Act altering the times of Courts in certain Counties was called up and *Resolved* to Concur.

Mr. Howe Introduced the following Resolution, to wit, Resolved, the House of Representatives concurring herein, that his Excellency the Governor be and hereby is authorized to appoint some suitable person to investigate the question whether lands in the town of Wheelock granted by this State to Moor's Charity School are forfeited to this State, and report the result of such enquiries to the next session of the Legislature. Read & passed.

An Act in addition to an "Act relating to Weights and Measures" was called up and *Resolved* to Concur. An Act for the relief of the Weathersfield Turnpike Company was called up and *Resolved* to Concur. An Act directing the Treasurer to pay George T. Hodges the sum therein mentioned was called up and *Resolved* to concur. The Bill Incorporating the Bennington and Brattleboro Rail Road Company was called up, Read and *Resolved* to Concur.

The Council proceeded according to adjournment to the Representatives' Room and attended to the appointment in joint Committee of the several County officers, after which they returned to their Chamber.

The Bill Incorporating the Rutland and Whitehall Rail Road Company was called up and amended by adding to the end thereof the fol-

lowing additional Section, to wit, "Section 17. It is hereby further enacted that the office of Secretary or Clerk of said Corporation shall be kept within this State in some town through which said railroad may pass," and *Resolved* to Concur as amended. Mr. Cobb appointed to give reasons, [who gave the following:] The Governor and Council assign to the General Assembly as a reason for adopting the proposed amendment that in the service of writs or other process against this corporation or any stockholder thereof it is necessary that a copy of the process be left with the Secretary or Clerk of the same. D. COBB.

The Act regulating the Taxation of Bank Stock was called up and *Resolved* to concur. The Act in addition to "an Act constituting Probate Courts and defining their powers and regulating the settlement of testate and intestate estates and the guardianship of minors and insane persons," was called up and *Resolved* to Concur. The Act extending the time and continuing in force for a limited time "an act granting to John Niles the exclusive right of a ferry," Passed October 24<sup>th</sup>, 1823, was called up and *Resolved* to concur. An Act for the relief of the Town of Granby was called up & *Resolved* to concur. An Act providing for the Settlement of [the concerns of] the Vermont State Bank and to repeal an Act therein mentioned was called up and amended by striking out the words "Edgar L. Ormsbee" in the Bill and inserting in lieu thereof the words "John Phelps," & *Resolved* to concur as amended. Mr. Howe appointed to give reasons.

The Committee, to whom was committed the Act relating to the election of members of Congress this forenoon, reported as an amendment thereto a new Bill making the election by general ticket: report accepted and *Resolved* to concur as amended. Mr. Janes appointed to give reasons, [who gave the following:] The Governor & Council assign the following reasons for the proposed amendments to the accompanying bill, viz. 1<sup>st</sup> The proposed amended title because necessary to correspond with the proposed amendment of the Bill. 2<sup>d</sup>, inasmuch as there is to be an apportionment of representatives to meet the census of 1830, by the Congress of the United States, previous to the next annual Session of the Legislature of Vt. and the number to which this State may be entitled under such apportionment being uncertain, the Legislature cannot at the present session district this State for the next Sept. Election. And the Governor and Council are unwilling to put off the election of Representatives to Congress by the annual freemen's meeting and of necessity putting the freemen of the State to the trouble and expense of assembling again on the first Tuesday in December, to obviate which the accompanying amendments are proposed. H. F. JANES.

Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—The Gov. & Council met &c. The Petition of Jonas Deputrin was called up and vote to dismiss concurred [reconsidered] and Prisoner discharged. Yeas 8. Nays 3. Those who voted in the affirmative are Messrs. Brainerd, Deming, Graves, Janes, Loveland, Pettibone, Phelps of W. Robinson. Those who voted in the negative are Messrs. Cobb, Howe, Phelps of A.

The House sent up for concurrence the following Resolution, to wit, *Resolved*, the Governor and Council concurring herein, that both Houses meet in joint convention this afternoon at 3 o'clock for the purpose of receiving and acting upon a nomination of Judge of Probate for the district of Manchester. Read and *Resolved* to Concur. Ordered &c.

The Act in addition to an Act entitled "an Act for incorporating a part of the towns of Newhaven, Panton and Ferrisburgh," Passed October 23<sup>d</sup>, 1788, was called up and *Resolved* to concur. An Act for the relief of William Randall was called up and *Resolved* to concur.

A message was received from the House by Mr. Royce, one of its members, returning the Bill appointing an Agent of the Vermont State Bank with non-concurrence in the amendment and the reasons therefor. Whereupon the Council *Resolved* to suspend the Bill.

The Bills Incorporating the President, Directors & Company of the Banks of Middlebury, Woodstock, and Bellows Falls were severally read and *Ordered* to lie on the Table.

A message was received from the House of Representatives by Mr. Haight, one of its members, returning the Bill relating to the election of members of Congress with non-concurrence in the amendments proposed by the Governor and Council, with the reasons of the House therefor.

The House sent up for revision &c. the following, to wit, An Act to repeal the several Acts therein mentioned, non-concurred in by the Governor and Council and returned by the House. *Resolved* to concur.

The Council proceeded to the Representatives' room and attended to the appointment of Judge of Probate for the district of Manchester, after which they returned to their Chamber.

The Council voted to recede from their proposed amendments to the Bill relating to the election of Members of Congress & *Resolved* to concur in passing.

The House sent up for revision &c. the following, to wit, An Act assessing a Tax for the support of Government. Read and *Resolved* to concur with the following proposed amendment, viz. Insert in the last line after the word "Supreme" the words "or County." Mr. Deming appointed to give reasons, [who gave the following :] The Governor and Council assign the following reason for the amendment proposed, to wit, That the County Courts are by law authorized to draw orders on the State Treasury.

B. F. DEMING.

An Act making [the] necessary appropriation for the support of Government the present year. Read and *Resolved* to Concur with the following proposed amendment—(see previous amendment of previous Bill.) Mr. Deming appointed to give reasons, [who gave the following :] The Governor and Council assign the following reason for the amendment proposed, viz. That most of the State orders are drawn by the County Courts.

B. F. DEMING.

An Act providing a Chaplain for the Vermont State Prison [and] An Act to Incorporate the Bellows Falls Manufacturing Company, Read and *Resolved* to concur. An Act to abolish Imprisonment for Debt, Ld. on Table.

A Communication was received from the Speaker of the House of Representatives informing the Council of the concurrence of the House in the amendments proposed by the Governor and Council to the several Bills therein mentioned. (See Com. on file.)

The Bill Incorporating the Middlebury Bank was called up & *Resolved* to concur with amendment. (See Section 27 of Act Incorporating Bank of Bennington.) Mr. Phelps of A. appointed to give reasons, [who gave the following :] To the General Assembly—The Governor and Council propose to amend this Bill by adding the 29<sup>th</sup> Section, because this section is found in the Charters of the other Banks and was probably omitted in this by mistake. Nov. 9<sup>th</sup>, 1831.

S. S. PHELPS For the Gov. & Council.

The Act Incorporating the Bank at Bellows Falls was called up and *Resolved* to Concur. An Act establishing a County Grammar School in Lyndon in the County of Caledonia, Read and *Resolved* to Concur. The Act incorporating the Woodstock Bank was amended by adding 3 additional sections : 1<sup>st</sup> the 27<sup>th</sup> Section of Act Incorporating Bennington



Bank ; 2<sup>d</sup>. and 3<sup>d</sup>. the same as the 25<sup>th</sup>. and 26<sup>th</sup>. of the Act Incorporating Bellows falls Bank, and *Resolved* to Concur.

An Act Incorporating the Bellows Falls Manufacturing Company, sent up for Revision &c. was taken up and amended by adding an additional Section. (See Section added to Weybridge Manufacturing Company Nov. 8<sup>th</sup>.) and *Resolved* to Concur as amended. Adjourned to  $\frac{1}{2}$  past 6 o'clock this evening.

7 O'CLOCK P. M.—The Gov. and Council met &c. The House sent up for Revision &c. The following, to wit, The Act abolishing Imprisonment for debt, Read and *Resolved* not to concur. Mr. Howe appointed to give reasons, [who gave the following :] The Governor & Council would respectfully assign as the reason for non-concurring in the passage of this Bill that they deem it inexpedient to pass the same.

Z. HOWE.

An Act in addition to an Act in relation to the Chartering of Banks, Read and *Resolved* to Concur. An Act providing for a Chaplain for the Vermont State Prison, Read and *Resolved* to Concur. An Act in addition to an act granting to William Fay and Lewis R. Morris and their associates, their heirs and assigns forever, the exclusive right and privilege of Locking Bellows Falls on Connecticut River, passed the 25th day of October, A. D. 1792, and the Acts in addition thereto : read & *Resolved* to Concur.

Mr. Loveland withdrew his resolution directing the Secretary to have the resolutions of the Council, relating to those passed by the House with respect to the right of the Lieutenant Governor to sit in County Conventions, published.

Mr. Pettibone Introduced the following Resolution, to wit, Resolved, the House of Representatives concurring herein, that the acts of the last session of Congress, deposited in the Library, be distributed as follows, viz. to the Governor 1 copy, to the Lt. Governor 1 copy, Each State's Attorney and each County Clerk 1 copy. To the County of Bennington 13 Copies, Windham 16 Do., Rutland 18 Do., Windsor 16 Do., Addison 15 Do., Orange 14 Do., Chittenden 12 Do., Washington 12 Do., Caledonia 13 Do., Franklin 12 Do., Orleans 13 Do., Essex 6 Do., Grand Isle 5 Do. That 3 Copies be deposited in the Secretary of State's office and the remainder in the State Library. Read and passed.

The Governor and Council appointed Rev<sup>d</sup>. Chester Wright, Hon. Henry F. Jaues and Rev<sup>d</sup>. Tilton Eastman Commissioners under the 3d. Section of an Act entitled "an Act in addition to and in amendment of the several acts for the purpose of founding the University of Vermont," passed October 30th, 1828.

The Petition of Samuel Lynd for Pardon was taken up and Pardon granted. Yeas 12. Nays 0. Those who voted in the affirmative are Messrs. Brainard, Cobb, Deming, Graves, Howe, Jaues, Leavenworth, Loveland, Pettibone, Phelps of A., Phelps of W., Robinson.

The House sent up for concurrence the following, to wit, Resolved, the Governor and Council concurring herein, that the two Houses meet in joint Committee in the Representatives' Room at 6 o'clock tomorrow morning for the purpose of choosing a Bank Commissioner. Read and *Resolved* to concur. Ordered &c.

The House sent up for Revision &c. the following, to wit, An Act Taxing foreign Bank Stock. Taken up and amended as follows : Insert after the word "owned" in the 2<sup>d</sup>. line the words "by any inhabitant or inhabitants of this State," & *Resolved* to concur as amended. Mr. Phelps of A. app. &c. [who gave the following.] The Governor and Council assign as a reason for the above amendment That without it the Bill would seem to tax citizens of other States. S. S. PHELPS.

An Act to Abolish Imprisonment for debt, Read and *Resolved* not to Concur. Mr. Howe appointed to give reasons.

A message was received from the House of Representatives by Mr. Follett, one of its members, returning the Bills to incorporate the Weybridge and Bellows Falls Manufacturing Companies with non-concurrence in the amendments proposed by Council together with the reasons for such non-concurrence.

Mr. Janes introduced the following Resolution, to wit, Resolved by the Governor & Council that the Bill to Incorporate the Weybridge Manufacturing Company has become a law as appears by a written message from the Speaker of the House of Representatives, and that therefore the Governor & Council have nothing further to do with the same. And that the Secretary of the Council be directed to leave a Copy of the Resolution with the Speaker of the House of Representatives. Read & passed.<sup>1</sup>

The House sent up for Concurrence the following Resolution, Resolved, the Governor and Council concurring herein, that the Secretary of State, as Clerk of the Joint Committee of both Houses, be and hereby is directed to omit in the Journal of the Joint Committee the names of those persons who have been elected Road Commissioners the present Session. Read and *Resolved* to concur. Ordered &c.

The Bill Incorporating the Bellows falls Manufacturing Company, sent back from the House, was taken up. Voted to recede from proposed amendments and *Resolved* to concur in passing.

The House sent up for Revision &c. A Bill for the relief of bail in certain cases. Amended by erasing in the fourth line of the 4th Section all the Section after the word "to" and insert in lieu thereof "report to the next session of the Legislature of this State the names of the Claimants and sums allowed and disallowed to each person under the provisions of this Act." Voted to reconsider the vote amending the above Bill, and Resolved not to concur. Yeas 6, Nays 7. Those who voted in the affirmative are Messrs. Brainerd, Deming, Graves, Pettibone, Phelps of A. Robinson. Those who voted in the negative are the Lieutenant Governor, Messrs. Cobb, Howe, Janes, Leavenworth, Loveland, Phelps of W. [Mr. Janes appointed to give reasons, who gave the following :] The Governor and Council assign as a reason for not concurring in passing the accompanying Bill that the same would be attended with great expense to the State and the petitioners without any beneficial results.

H. F. JANES.

An Act to repeal a part of an act entitled "An Act to incorporate the Weybridge Manufacturing Company" read and *Resolved* not to concur. Mr. Phelps of A. appointed to give reasons, [who gave the following :] The Governor and Council assign as a reason for not concurring in the passage of this act that they are not satisfied that the community would be safe if the section referred to were repealed, especially as they are not assured that any actual capital is invested. In Behalf of the Governor & Council,

SAM<sup>L</sup>. S. PHELPS.

An Act in addition to an act entitled "an Act for the distribution of Laws, Journals and other public papers," passed March 7, 1797. Read and *Resolved* to concur.

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<sup>1</sup> From the journals of each House it appears that the Council concurred in passing the bill with amendment, and that the amendment of the Council had been concurred in by the House. The bill had therefore become a law, and the message of Mr. Follett was erroneous.

An Act abolishing Imprisonment for debt, sent back from the House, was taken up and amended by striking out the words "thirty" in every place where it may occur in said Bill, and insert in lieu thereof the word "forty." Resolved to concur as amended. Mr. Howe appointed to give reasons, [who gave the following :] The Governor and Council assign as a reason for the proposed amendment to this bill that they consider it inexpedient that the bill go into operation previous to the year 1842.

Z. HOWE.

A Communication was received from the Speaker of the House of Representatives informing the Council that the House had concurred in the amendments proposed by the Council to the several Bills therein mentioned. (See Com. on file.)

The Bill for relief of Bail in certain cases, sent back from the House, was taken up and amended by adding at the end of the 2d Section the following, to wit, Provided that said Court shall not allow interest on such claims, nor costs of prosecution. Resolved to concur [as amended.] Mr. Deming appointed to give reasons.

A message was received from the House of Representatives by Mr. Haight, one of its members, returning the Bill abolishing Imprisonment for debt, with non-concurrence in the amendments proposed by the Governor and Council, and assigning their reasons therefor. Whereupon the Council Resolved to suspend the same.

The House sent up for concurrence the following Resolution, to wit, Resolved, the Governor and Council concurring herein, that both Houses meet in joint Committee tomorrow morning at 6 o'clock for the purpose of appointing Justices of the Peace for the Town of Fletcher in the County of Franklin. Read and Resolved to Concur. Ordered &c.

The Bill to repeal a part of an Act Incorporating the Weybridge Manufacturing Company, sent back from the House, was taken up and amended by striking out all after the enacting clause and Resolved to concur as amended. Mr. Phelps of A. appointed to give reasons, [who gave the following :] The object of the amendment is to defeat the bill for reasons already stated.

SAM<sup>L</sup>. S. PHELPS.

Adjourned to 6 o'clock tomorrow morning.

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THURSDAY Nov. 10<sup>th</sup>. 6 o'clock A. M.

The Governor and Council met. A message was received from the House by Mr. Follet, one of its members, returning the Bill to repeal a part of the act incorporating the Weybridge Manufacturing Company with non-concurrence in the amendments proposed by the Council and assigning their reasons therefor. Whereupon the Council Resolved to suspend the same.

A Communication was received from the Speaker of the House of Representatives informing the Council that the House had concurred in the amendment proposed by the Council to the Bill for the relief of Bail in certain cases.<sup>1</sup>

On Motion, Jos. Howes was appointed Surveyor of Public Buildings.

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<sup>1</sup>This act provided that any person who had suffered by reason of being upon a jail bond, and any sheriff or deputy sheriff, in consequence of any act of suspension or other act of the legislature which shall have been adjudged unconstitutional and void, shall be indemnified out of the state treasury. See printed Acts of 1831, p. 25.

A message was received from the House of Representatives by Mr. Royce, one of its members, that the House had on their part finished the business of the Session and were ready to meet in joint Committee for the purpose of adjourning the Legislature without day.

Ordered that the Secretary inform the House of Representatives that the Governor and Council will immediately attend in the Representatives' Room for the purpose of meeting in joint Committee to transact business and adjourn the Legislature without day.

On Motion voted to advise the Governor to appoint the first Wednesday in April as a day of Fasting and Prayer.

The Council proceeded to the Representatives' room agreeably to Joint Resolution and after attending to business in Joint Committee<sup>1</sup> and Prayer by the Chaplain, the Legislature was adjourned without day by Sheriff Keith. After which the Council returned to their Chamber and Adjourned without day.

STATE OF VERMONT ss.—The foregoing from page 325 to page 414 [of manuscript Record of the Council, Vol. XI.] inclusive is a true Journal of the proceedings of the Governor and Council at their annual Session in the year 1831.

EDWARD D. BARBER, *Secretary*.

In the tables of yeas and nays, at the close of the Secretary's record, are the following which were not referred to in the record :

On motion to discharge Daniel Clough from imprisonment—*Yeas*, Messrs. Brainerd, Deming, Graves, Howe, Janes, Leavenworth, Loveland, Pettibone, Phelps of A. Phelps of W. Robinson. *Nays* 0.

On motion to concur in the Safety Fund Bill—*Yeas*, Messrs. Brainerd, Cobb, Graves, Howe, Janes, Leavenworth, Loveland, Phelps of A. Phelps of W. Robinson. *Nays*, Messrs. Deming, Pettibone.

On remission of fine and costs to J. H. Howe—*Yeas*, Messrs. Brainerd, Cobb, Deming, Graves, Howe, Janes, Leavenworth, Loveland, Pettibone, Phelps of A. Phelps of W. Robinson. *Nays* 0.

On remission of fine and costs to J. Cameron—*Yeas*, Messrs. Brainerd, Cobb, Deming, Graves, Howe, Janes, Leavenworth, Loveland, Pettibone, Phelps of A. Phelps of W. Robinson. *Nays* 0.

On concurrence in the bill to repeal part of the act to incorporate the Weybridge Manufacturing Company—*Yeas*, Messrs. Graves, Leavenworth, Loveland, Pettibone, Robinson. *Nays* Messrs. Brainerd, Cobb, Deming, Howe, Janes, Phelps of A. Phelps of W.

On motion to rescind amendments to the bill to repeal several acts in relation to roads and bridges, including act providing for road commissioners—*Yeas*, the Lieutenant Governor, Messrs. Brainerd, Cobb, Graves, Janes, Leavenworth, Phelps of A. *Nays*, Messrs. Deming, Howe, Loveland, Pettibone, Phelps of W. Robinson.

On "Suspension Bill, Motion to Suspend" [what bill it is impossible to say]—*Yeas*, Messrs. Cobb, Leavenworth, Loveland. *Nays*, Messrs. Brainerd, Deming, Graves, Howe, Janes, Pettibone, Phelps of A. Phelps of W. Robinson.

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His Excellency the Governor was pleased to appoint James Davis Esq. agent to prepare and publish the Reports of the Supreme Court, under the Act of 29 October 1829 authorizing such appointment.

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<sup>1</sup> Epaphroditus Ransom was elected Bank Commissioner.

| 1881.<br>DEBENTURE OF LT. GOVERNOR<br>& COUNCIL. | No. of Miles<br>Travel. | Amount of<br>Travel. | No. of Days<br>Attendance. | Amount of<br>Attendance. | Debenture. |
|--|-------------------------|----------------------|----------------------------|--------------------------|------------|
| Lt. Gov. Richards                                | 92                      | 11.04                | 2                          | 3.00                     | 14.04      |
| Mr. Allen  | 45                      | 5.40                 | 2                          | 3.00                     | 8.40       |
| Mr. Clark of W.                                  | 110                     | 13.20                | 2                          | 3.00                     | 16.20      |
| Mr. Harris                                       | 32                      | 3.84                 | 2                          | 3.00                     | 6.84       |
| Mr. Pierpoint                                    | 70                      | 8.40                 | 2                          | 3.00                     | 11.40      |
| Mr. Worthington                                  | 1                       | 12                   | 2                          | 3.00                     | 3.12       |
| Geo. B. Shaw, Secy.                              |                         |                      | 5                          | 7.50                     | 7.50       |
| Lt. Gov. Egerton                                 | 24                      | 2.88                 | 25                         | 100.00                   | 102.88     |
| Mr. Brainerd                                     | 60                      | 7.20                 | 28                         | 42.00                    | 49.20      |
| “ Cobb   | 32                      | 3.84                 | 28                         | 42.00                    | 45.84      |
| “ Deming   | 30                      | 3.60                 | 29                         | 43.50                    | 47.10      |
| “ Graves   | 48                      | 5.76                 | 28                         | 42.00                    | 47.76      |
| “ Howe   | 100                     | 12.00                | 28                         | 42.00                    | 54.00      |
| “ Janes  | 12                      | 1.44                 | 29                         | 43.50                    | 44.94      |
| “ Leavenworth                                    | 36                      | 4.32                 | 27                         | 40.50                    | 44.82      |
| “ Loveland                                       | 60                      | 7.20                 | 28                         | 42.00                    | 49.20      |
| “ Pettibone                                      | 120                     | 14.40                | 28                         | 42.00                    | 56.40      |
| “ Phelps of W.                                   | 120                     | 14.40                | 28                         | 42.00                    | 56.40      |
| “ Phelps of A.                                   | 60                      | 7.20                 | 28                         | 42.00                    | 49.20      |
| “ Robinson                                       | 53                      | 6.30                 | 27                         | 40.50                    | 46.80      |
| Sheriff Keith                                    | 1                       | 12                   | 29                         | 43.50                    | 43.62      |
| Librarian  | 1                       | 12                   | 29                         | 43.50                    | 43.62      |
| Dep <sup>t</sup> Sheriff                         | 11                      | 1.32                 | 29                         | 43.50                    | 44.82      |
|  |                         |                      |                            |                          | \$826.60   |

The above was received of the Treasurer by the Sheriff of Washington County and by him paid over to the members of the Council &c.

# FIFTY-SIXTH COUNCIL.

OCTOBER 1832 TO OCTOBER 1833.

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WILLIAM A. PALMER, Danville, *Governor*.

LEBBEUS EGERTON, Randolph, *Lieut. Governor*.

*Councillors:*

|                                 |                             |
|---------------------------------|-----------------------------|
| BENJAMIN F. DEMING, Danville,   | RICHARDSON GRAVES, Concord, |
| HENRY F. JAMES, Waterbury,      | JOHN PHELPS, Guilford,      |
| ZIMRI HOWE, Castleton,          | NATHAN LEAVENWORTH, Hines-  |
| DANIEL COBB, Strafford,         | burgh,                      |
| JASPER ROBINSON, Brownington,   | ISAAC SHERMAN, Sandgate,    |
| SAMUEL C. LOVELAND, Reading,    | SILAS H. JENISON, Shoreham. |
| JOSEPH H. BRAINERD, St. Albans, |                             |

EDWARD D. BARBER, Middlebury, until Oct. 19, 1832,

GEO. B. MANSEY, Williston, from Oct. 19, 1832,

RAWSEL R. KEITH, Montpelier, *Sheriff*.

CALVIN J. KEITH, Montpelier, *Librarian*.

} *Secretaries.*

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## BIOGRAPHICAL NOTICES.

ISAAC SHERMAN represented Sandgate in the General Assembly 1816, 1818 and 1819, and was Councillor in 1832, '33 and '34.—Deming's *Catalogue*.

SILAS HEMENWAY JENISON, son of Levi Jenison and Ruth Hemenway, was born in Shoreham, May 17, 1791, and was the first native of the State who became its Governor. He was the son of a farmer, who died when the son was only about a year old, so that his life for many years was spent upon a farm managed by his mother. In his youth he had the advantages of the common district school only, but he acquired a taste for reading, which abided with him through life. He, also, after his school days were ended, engaged the services of Gideon Sissons, an old school-master of Shoreham, who was skilled in the Latin and French languages, arithmetic, algebra and surveying, and from him the young Jenison acquired a hand-writing round and free and the skill of an ac-

curate surveyor, in which his services were often employed to the close of his life. Quite as much as most Governors Vermont has ever had, he possessed the qualities of its first Governor, sound common sense, fidelity in the discharge of every duty, an earnest regard to the interests of the State, and fearlessness in the discharge of every duty which devolved upon him as the Chief Magistrate of the State. In his administration occurred what was called "the Patriot rebellion" in Lower Canada, in which the sympathies of the people of Vermont were largely with the rebels; but perceiving that neutrality was the duty of the nation, and of Vermont as a part of it, he promptly issued his proclamation to that effect, and called out the militia to aid the officers of the United States in repressing those bodies of armed men who were moving to aid the rebellion in Canada. By this course he doubtless forfeited the good will of many voters, but he was sustained by a majority of the people, and in 1840 received the largest majority of votes for Governor which had ever before been cast. As a member of the Legislature he interested himself largely in the Grand List, a subject which still needs the services of some able and fearless man and the support of all honest legislators. Gov. Jenison was a member of the General Assembly 1826 until 1831; Judge of Addison County Court 1829 until 1835; Delegate in the Constitutional Convention of 1843; Judge of Probate 1841 until 1847; Lieut. Governor 1834 and '35, and acting Governor in 1835, and Governor 1836 until 1841, when he declined a re-election. His death occurred Oct. 30, 1849.—*History of Shoreham*; and *Deming's Catalogue*.

GEORGE B. MANSER, D. D., studied the law at Danville, and in 1829 commenced practice at Williston, where he remained a few years. He was Register of Probate for the District of Chittenden 1830, '31 and '35, Secretary of the Governor and Council 1832 until 1836, and Secretary of Civil and Military Affairs 1836 until 1841. During this period he removed to Montpelier, was Register of Probate 1840, engaged in his profession and also for a time in editing a temperance newspaper. He was an active member of the Congregational Church and a successful Superintendent of the Sabbath School connected therewith, but in 1842 gathered Christ Church, the first Episcopal Church in Montpelier, of which he was the first Rector, and this office he held until Feb. 1850, when he became Rector of St. Peter's Church in Bennington and so remained until his death, Nov. 17, 1862, aged fifty-nine years and three months.—*Walton's Vermont Register*; *Vt. Legislative Directory*, 1876-7; *D. P. Thompson's History of Montpelier*; and *Memorials of a Century, Bennington*.

## RECORD OF THE GOVERNOR AND COUNCIL

AT THE

## SESSION WITH THE GENERAL ASSEMBLY AT MONTPELIER, OCTOBER 1832.

A journal of the proceedings of the Governor and Council at their Session begun and holden at Montpelier on the Second Thursday of October (being the eleventh day) in the year of our LORD one thousand eight hundred and thirty-two, and of the Independence of the United States the fifty-seventh. Present, His Excellency, William A. Palmer, Governor, His Honor, Lebbeus Egerton, Lieut. Gov.

The Hon. Benjamin F. Deming,  
 “ “ Jasper Robinson,  
 “ “ John Phelps,  
 “ “ Richardson Graves,  
 “ “ Joseph H. Brainerd,  
 “ “ John S. Pettibone,  
 “ “ Samuel C. Loveland,  
 “ “ Daniel Cobb,  
 “ “ Zimri Howe,  
 “ “ Henry F. Janes,  
 “ “ Nathan Leavenworth, Councillors.

A message was received from the House of Representatives by Mr. [Wyllys] Lyman, one of its members, informing that the House had organized by electing John Smith [of St. Albans] Speaker, *pro tempore*, and Charles Davis Clerk, *pro tempore*, and was ready to receive any communications which the Governor and Council might make. *Ordered* That Mr. Pettibone of the Council inform the House of Representatives that the Governor and a quorum of the Council are assembled in the Council Chamber, and are ready to proceed to business.

A message was rec<sup>d</sup> from the House of Representatives by Mr. [Ebenezer N.] Briggs, one of its members, informing that the House had, on their part, appointed a Canvassing Committee, to sort & count the votes for Governor, Lieut. Governor, Treasurer, and Councillors for the year ensuing, and requesting the Governor & Council to join in said appointment: Whereupon, *Resolved* to concur in said appointment, and Messrs. Loveland, Pettibone and Janes were appointed from Council and were duly sworn by Hon. M<sup>r</sup>. Deming to the faithful discharge of their duty. *Ordered* that Mr. Deming inform the House of Representatives of such concurrence and appointment. Adjourned to 4 o'clock P. M.<sup>1</sup>

4 O'CLOCK AFTERNOON.—The Governor and Council met agreeably to adjournment, and adjourned till 9 o'clock tomorrow morning.

FRIDAY Oct<sup>r</sup> 12. 9 o'clock A. M.

A message was rec<sup>d</sup> from the House of Representatives by Mr. [Hon. Timothy] Follett, one of its members, informing that the House was

<sup>1</sup> The election sermon was preached by the Rev. William S. Perkins.



ready, on their part, to receive the report of the Canvassing Committee. Hon. Mr. Howe was requested to inform the House of Representatives that the Governor & Council will immediately attend in the Representatives' room for the purpose of hearing the report of the Canvassing Committee.

The Governor and Council attended in the Representatives' room for the purpose of receiving the report of the Canvassing Committee, when the following report was made viz.

To the Hon. General Assembly, now sitting: The joint committee appointed to receive, sort and count the votes for Governor, Lieutenant Governor, Treasurer and Councillors respectfully *Report*, that they have attended to the business of their appointment, and that the votes returned for Governor are as follows :

|                                      |        |
|--------------------------------------|--------|
| For William A. Palmer, [Anti-Mason,] | 17,318 |
| “ Samuel C. Crafts, [Nat. Repub.]    | 15,499 |
| “ Ezra Meech, [Democrat,]            | 8,210  |

Your committee therefore report that the freemen have not elected a Governor for the year ensuing.

Your committee further report that the votes returned for Lieutenant Governor are as follows:

|                                     |        |
|-------------------------------------|--------|
| For Lebbeus Egerton, [Anti-Mason,]  | 17,181 |
| “ Jedediah H. Harris, [Nat. Repub.] | 15,304 |
| “ John Roberts, [Democrat]          | 8,429  |

Your committee therefore report that the freemen have not elected a Lieutenant Governor for the year ensuing.

Your committee further report that Benjamin Swan [Nat. Repub.] is elected Treasurer of this State for the year ensuing ; and that John Phelps, Isaac Sherman, Samuel C. Loveland, Zimri Howe, Daniel Cobb, Silas H. Jenison, Nathan Leavenworth, Henry F. Janes, Joseph H. Brainerd, Benjamin F. Deming, Jasper Robinson and Richardson Graves are elected Councillors for the year ensuing.

TIMOTHY FOLLETT, *Clerk*.

JOHN S. PETTIBONE, *Chairman*.

The Governor & Council then returned to their chamber.

The Hon. Messrs. Deming, Robinson, Phelps, Graves, Brainerd, Sherman, Jenison, Loveland, Cobb, Howe, Janes and Leavenworth, who had been elected Councillors for the year ensuing, appeared in the Council Chamber, and were duly sworn to the faithful discharge of their duty by the Hon. Titus Hutchinson, Chief Justice of the Supreme Court of this State.

The Council proceeded to organize, and made choice of Hon. Mr. Deming, President, *pro tem*. Hon. Mr. Loveland was requested to inform the House of Representatives accordingly.

Rec<sup>d</sup> from the House, for concurrence in passing, the following resolution, to wit, “Resolved, the Governor & Council concurring herein, that both Houses meet in joint committee in the Representatives' room, at 10 o'clock this forenoon, for the purpose of electing a Governor & Lieutenant Governor, for the year ensuing,” which was read, whereupon *Resolved* to concur, and Hon. Mr. Loveland was requested to inform the House of such concurrence.

The Council repaired, agreeably to the last resolution, to the Representatives' room and after several ballotings and no election made returned to their chamber. Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—The Council met pursuant to adjournment, and proceeded to the Representatives' room, and after balloting several times in joint committee for Governor, and no election being made, returned to their chamber, and Adjourned to 9 o'clock tomorrow morning.

SATURDAY Oct. 13<sup>th</sup>. 1832. 9 O'clock A. M.

The Council met agreeably to adjournment, proceeded to Representatives' room, and, after several unsuccessful ballotings in joint committee for Governor, returned to their chamber and Adjourned to 2 o'clock P. M.

2 O'CLOCK AFTERNOON.—The Council met pursuant to adjournment. Rec<sup>d</sup>. for concurrence in passing, from the House, the following resolution, to wit, "Resolved, The Hon. Council concurring herein, that both Houses meet in joint committee in the representatives' room this afternoon, at 2 o'clock, for the purpose of electing a chaplain of the General Assembly for the present session." *Resolved* to concur in passing said resolution, and Hon. Mr. Brainerd was requested to inform the House of such concurrence.

The Council, in pursuance of said last mentioned joint resolution, proceeded to the Representatives' room, and attended to the business of electing a Chaplain,<sup>1</sup> after which they retired to their chamber and Adjourned to 9 o'clock on Monday Morning.

MONDAY Oct. 15, 1832. 9 o'clock A. M.

The Council met agreeably to adjournment. In pursuance of the adjournment of the joint committee the Council proceeded to the Representatives' room, when after several ineffectual ballotings for Governor for the year ensuing, the joint committee adjourned to 2 o'clock P. M. and the Council returned to their chamber and Adjourned to 2 o'clock afternoon.

2 O'CLOCK P. M.—The Council met agreeably to adjournment, and in pursuance of the adjournment of the Joint Committee of both Houses, proceeded to the Representatives' room for the purpose of electing a Governor and Lieutenant Governor for the year ensuing, when, after several ballotings without effecting a choice, the Joint Committee adjourned, and the Council returned to their chamber, and Adjourned to 9 o'clock tomorrow morning.

TUESDAY Oct. 16, 1832. 9 o'clock A. M.

The Council met agreeably to adjournment. The following resolution was read and passed, to wit, "*Resolved*, by the Council of the State of Vermont, that the Hon. Judges of the Supreme Court of this State be and hereby are requested to express to this Council their opinion whether the Governor and Lieutenant Governor of this State do, or do not, hold their respective offices and of right ought to continue to exercise the duties thereof, until their respective successors in office are legally elected."

The Council then proceeded, in pursuance of the adjournment of the joint committee, to the Representatives' room, and after repeated ineffectual ballotings for Governor, returned to their chamber and Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—The Council met agreeably to adjournment, and repaired to the representatives' room, pursuant to the adjournment of the Joint committee of both Houses, and after several ineffectual ballotings for [Lieutenant] Governor, returned to their chamber and Adjourned to 9 o'clock tomorrow morning.

<sup>1</sup> The Rev. William S. Perkins was elected.

WEDNESDAY Oct. 17, 1832.

The Council met agreeably to adjournment. In pursuance of the adjournment of the Joint Committee, the Council proceeded to the representatives' room, and after balloting ineffectually returned to their chamber and Adjourned to 2 o'clock P. M.<sup>1</sup>

2 o'clock P. M.—The Council met agreeably to adjournment, and at 3 o'clock repaired to the Representatives' room, and after several ineffectual ballotings in Joint Committee [for Lieutenant Governor,] returned to their chamber and Adjourned to 9 o'clock tomorrow morning.

THURSDAY Oct<sup>r</sup> 18, 1832. 9 o'clock A. M.

The Council met agreeably to adjournment, and in pursuance of the adjournment of the Joint Committee, at 10 o'clock proceeded to the Representative' room for the purpose of electing a Governor and Lieutenant Governor for the year ensuing, and the ballots having been received and counted, His Excellency William A. Palmer was duly elected Governor of the State of Vermont for the year ensuing, of which proclamation was made by the Sheriff of Washington County. The Council returned to their chamber and Adjourned to 2 o'clock P. M.<sup>2</sup>

2 o'clock P. M.—The Council met agreeably to adjournment. In pursuance with the adjournment of the Joint Committee of both Houses, the Council proceeded to the Representatives' room, and the ballots for Lieutenant [Governor] having been taken & counted, His Honor Lebeus Egerton was duly elected Lieutenant Governor of the State of Vermont for the year ensuing, of which proclamation was duly made.<sup>3</sup> The committee dissolved and the Council returned to their Chamber.

His Honor the Lieutenant Governor appeared and took his seat, and was duly sworn to the faithful discharge of his duty by Hon. Mr. Deming.

His Honor the Lieutenant Governor announced the appointment of the following gentlemen on the several joint Standing Committees, viz.

|                                      |                  |
|--------------------------------------|------------------|
| On the Committee of Ways and Means   | Hon. Mr. Deming. |
| On the Committee on Military Affairs | " " Leavenworth. |
| On the Committee of Claims           | " " Howe.        |
| On the Judiciary Committee           | " " Phelps.      |
| On the Committee on Roads and Canals | " " Cobb.        |
| On the Committee of Insolvency       | " " Jones.       |
| On the Committee of Manufactures     | " " Jenison.     |
| On the Committee of Agriculture      | " " Graves.      |
| On the Land Tax Committee            | " " Robinson.    |
| On the Committee on Education        | " " Brainerd.    |
| On the Committen on Bauks            | " " Sherman.     |
| On the General Committee             | " " Loveland.    |

Adjourned to 9 o'clock tomorrow morning.

<sup>1</sup> There were no ballotings.—See *Assembly Journal* of 1832, p. 31.

<sup>2</sup> Gov. Palmer was elected on the forty-third ballot, receiving 111 votes against 72 for Gov. Crafts, 37 for Ezra Meach, and 1 scattering. The highest vote received by Gov. Crafts during the ballotings was 80, the highest by Mr. Meach 39, and the highest scattering 3. So it seems that Gov. Palmer was indebted mainly for his success to friends of Gov. Crafts.

<sup>3</sup> Lieut. Gov. Egerton was elected on the fourteenth ballot, receiving 111 votes against 66 for Jedediah H. Harris, 40 for John Roberts, and 2 scattering.

FRIDAY, Oct<sup>r</sup> 19, 1832. 9 O'clock A. M.

The Council met agreeably to adjournment. His Excellency William A. Palmer, elected Governor of the State of Vermont for the year ensuing, appeared in the Council Chamber and was duly sworn into said office by the Hon. Titus Hutchinson, Chief Judge of the Supreme Court.

His Excellency was pleased to appoint Geo. B. Manser, of Williston, Secretary of the Governor and Council for the year ensuing and he was duly sworn to the faithful execution of the duties of said office by Hon. Mr. Deming.

His Honor the Lieutenant Governor, attended by the Council, proceeded to the Representatives' room, where His Excellency, the Governor, made, by his Secretary, the following communication to both Houses.<sup>1</sup> The Governor and Council then returned to their Chamber.

The following communication was rec<sup>d</sup> from the Judges of the Supreme Court in reply to a resolution of the Council passed Oct<sup>r</sup> 16, 1832, viz.<sup>2</sup>

The House sent up for concurrence in the reference to select Committee the following: "An act in addition to an act entitled an act dividing the State into Districts for electing Representatives to the Congress of the United States, and directing the mode of their election." *Resolved* to concur in the reference and Hon. Mr. Phelps from the Council was appointed to join the Committee appointed by the House.

Received from the House, for concurrence in passing, the following: "Resolved, the Governor & Council concurring herein, that both Houses meet in County Conventions on Friday next at 3 o'clock in the afternoon for the purpose of making nominations of County officers; and that they meet in joint committee in the Representatives' room on Saturday morning at the opening of the House for the purpose of electing such officers." *Resolved* to concur in passing said resolution.

Rec<sup>d</sup> from the House for concurrence in the reference the following, to wit, "An act to incorporate the President, Directors & Co. of the Bank of Orleans," "A Bill incorporating the President, Directors & Company of Essex Bank," "A Bill to incorporate a Bank at Brandon," "Petition of C. M. Brooks and 110 others for a Bank in Essex County," "Petition of Richardson Graves & 23 others for a Bank at Guildhall, Essex County," "Petition of John Marsh and others for a Bank at Perkinsville in the town of Weathersfield," "Petition of Sam<sup>l</sup> B. Cooper & others for a Bank at Guildhall," "An act to incorporate the President, Directors & Company of the Bank of Orleans," "Petition of Greenleaf Webb and 86 others for a Bank in Essex County," "Petition of Thomas Carlisle and 45 others for a Bank in Essex County," "An act to incorporate the Bank of Newbury," with an order of reference on each of them to the Committee on Banks; Whereupon: *Resolved* to concur in the reference.

Also rec<sup>d</sup> from the House the following with an order of reference on each to the Land Tax Committee, "Petition of the Selectmen of Sutton for a land tax," "Petition of Jonathan Jenness and others praying for a land tax on the town of Topsham," "Petition of Abner Allyn and 33 others for a tax on the towns of Westmore and Newark," "Petition of Pliny Parker and others for a tax on Ludlow," "Memorial of Moses Haven & others for a land tax on Ludlow," "Petition of the Selectmen of Kirby for a land tax," "Petition of the Selectmen of Holland for a land tax," "Petition of the Selectmen of Concord for a land tax," "Petition of Eber Robinson and others for a land tax on Holland," "Petition of Tyler

<sup>1</sup> See *Appendix A*.

<sup>2</sup> For opinion of the Judges see *Appendix C*.

Bingham and others for a land tax on the towns of Random, Ferdinand and Wenlock," "Petition of Richard Easterbrooks and others praying that an act passed October session [1831] laying a tax on the town of Sherburne may be revived;" Whereupon: *Resolved* to concur in the said orders of reference.

Also received the following, "Petition of Tappan Stevens, Deputy Sheriff, praying to be allowed a sum of money he was compelled to pay for Warner Evans," "An act directing the Treasurer to pay James Davis the sum therein mentioned," "Petition of Sylvanus Ripley for remuneration from the State of Vermont on account of the discharge of Joseph Huntington from imprisonment," "Petition of the Selectmen of Danby for remuneration for moneys expended for defending a suit in favor of The Society for propagation of the Gospel in foreign parts," "Petition of James Dwyer for remuneration for moneys expended as bail for David Thomas," "Petition of the Selectmen of Pawlet praying for remuneration for expenses incurred in defending a suit brought by the Society for the propagation of the Gospel in foreign parts," "An act directing the Treasurer to pay the Selectmen of Bennington the sum therein mentioned," "An act directing the Treasurer of this State to pay David Harrington the sum therein mentioned," "An act directing the Treasurer to pay Sam<sup>l</sup> P. Booth the sum therein mentioned," "An act directing the Treasurer of this State to pay the Town of Bristol and the Town of Newhaven the sum therein mentioned," "An act directing the Treasurer of this State to pay Araunah Waterman the sum therein mentioned," with an order of reference on each to the Committee of Claims; Whereupon: *Resolved* to concur in said orders of reference.

Rec<sup>d</sup> also "An act directing the Treasurer of this State to pay Alba Davidson the sum therein mentioned," "Petition of Alba Davidson praying for remuneration for monies paid by him as bail for one Charles Preston," "An act directing the Treasurer of this State to pay Nahum Jennison & Joseph S. Jennison the sum therein mentioned," with an order of reference to the Committee of Claims, Whereupon: *Resolved* to concur in said orders of reference.

Also "Petition of Jeremiah Jordan praying that the State would grant him pecuniary aid in rendering the Nulhegan River navigable," "Petition of Inhabitants of Vergennes for a Rail Road," "An act concerning Highways," "Petition of John Wright and others for a Rail Road or turnpike thro' Pownal," "Petition for a Rail Road of Luther Newcomb and others from Vergennes to Bristol," "Petition of Peter Sax and 56 others, praying that the General Assembly will take proper measures to petition the Government to remove the obstructions in the outlet of Lake Champlain at St. Johns," "Petition of Selectmen of Athens praying for a further time to make a road," with an order of reference on each to the Committee on Roads & Canals: Whereupon *Resolved* to Concur in said orders of reference.

Also, "An act constituting a new County of the name of La Moille," "An act appropriating the minister rights of land in the town of Ripton to the use of Schools," "An act in addition to an act entitled 'an act in addition to an act relating to Jails & Jailors and for the relief of persons imprisoned therein,'" "An act relating to Corporations," "An act incorporating the Baptist Convention of the State of Vermont," "An act in addition to and explanation of an act entitled an act constituting Probate Courts and defining their powers and regulating the settlement of testate and intestate estates and the guardianship of minors and insane persons," "An act in addition to the several acts regulating the limitation of actions," "Petition of Jesse White and others praying that the land in said town granted to the first settled minister may be appro-

propriated for the use of schools," "An act to prevent litigation," "An act relating to Justices of the Peace," [severally referred] to Judiciary Committee. *Also*, "Petition of Jabez Proctor and others praying for the incorporation of a Literary Society in Proctorsville," "Petition of Ephraim Paddock and Luther Clark praying for relief for the High School at St. Johnsbury," "An act incorporating the Vermont Literary & Scientific Institution at Brandon," "An act to incorporate the Brattleboro' High School Association," [severally referred to the] Committee on Education. *Also*, "Petition of Orson Collins and others praying that a sum paid by him for a Pedlar's License may be remitted," "Petition of Ezra Scott praying that a sum of money paid by him for a Pedlar's License may be remitted," referred to Com. of Ways & Means. *Also*, "Petition of John Holbrook and 202 others to incorporate the East Village in Brattleboro'," "An Act to provide for the establishment of County Poor Houses," "An act in addition to an act ascertaining the principles on which the List of this State shall be made and directing listers in their office & du'y," with an order of reference to the General Committee. *Also*, "An act to incorporate the Brattleboro' Manufacturing Company," "An act incorporating the Paper and Typographic Company," "An act incorporating the Rutland Woolen Manufacturing Company," "An act to incorporate certain persons therein named by the name of The Lake Dunmore Glass Company," with an order of reference on each to the Committee on Manufactures. *Also*, "An act in relation to imprisonment for Debt," with an order of reference to the Committee on Insolvency. *Also* "Petition of Noah Fisher praying that a debt due the State may be remitted," with an order of reference to the Committee of Ways and Means. "Petition of Norman Harvey praying that the sum of forty dollars may be credited him on the State tax on the town of Rupert," with an order of reference to the same Committee. *Also*, "Memorial of the surviving officers of the Revolution," with an order of reference thereon to the Committee on Military Affairs, which were severally read; Whereupon *Resolved* to concur in the said several orders of reference.

The House sent up for concurrence in the reference to a Select Committee, to join from Council, the following, "Petition of Elvira C. Jefts praying for the alteration of her name and that of her children," Whereupon: *Resolved* to concur in the reference and Mr. Loveland appointed from Council.

"Petition of Caleb Buffum praying that certain lands may be annexed to Mount Tabor; Whereupon: *Resolved* to concur in the reference and Mr. Howe was appointed from Council.

*Recd. also* "Petition of Samuel Adams praying for the alteration of the name of Royal Wells," with an order of reference thereon to a Select Committee to join from Council; Whereupon: *Resolved* to concur in the reference and Mr. Phelps was appointed from Council.

*Recd. also* "An act to alter the name of Eri Chapin to Eri Allen," with an order of reference thereon to a committee of two Members from the House of Representatives to join from Council; Whereupon: *Resolved*, to concur in said order of reference and Mr. Phelps was appointed from Council.

The House sent up for concurrence in the reference the following, *Resolved*, the Governor & Council concurring herein, that the Judiciary Committee be instructed to enquire into the expediency of so amending the Probate Law as to limit the time when persons absent from their families or residence, and unheard of, shall be considered as dead in the settlement of their estates—and further to see what amendments or additions should be made in those sections of the Probate Law that pro-

vide for the appointment of Guardians for Idiots, non-compos, lunatic or distracted persons, and report by Bill or otherwise"; Whereupon: *Resolved* to concur in the reference.

Rec<sup>d</sup>. also from the House the following Resolution for concurrence in the reference, to wit, "Resolved, the Governor and Council concurring herein, that the Committee on Roads & Canals be instructed to inquire into the expediency of so regulating the construction of wheels for carriages of burden that there be an increase and uniformity in the width of the felloes or brims of wheels hereafter constructed and used for carriages of burden in this State, and report by Bill or otherwise"; Whereupon: *Resolved* to concur in the reference.

The House sent up for concurrence in the reference the following resolution, to wit, "Resolved, the Governor and Council concurring herein, That the General Committee be instructed to enquire into the expediency of so modifying the appointment of Justices of the Peace, in the several towns in this State, that no practising attorney, who may be appointed Justice of the Peace, shall sign any civil writ, or try any civil cause as such, and that said Committee report by bill or otherwise"; Whereupon: *Resolved* to concur in the reference.

The House sent up the following with an order of reference thereon to the Committee on Banks, "An act to incorporate the President, Directors and Company of the Bank of Manchester"; Whereupon: *Resolved* to concur in the reference.

Rec<sup>d</sup>. from the House with an order of reference thereon, the following resolution, "Resolved, the Governor and Council concurring herein, that the Committee of Ways and Means be instructed to inquire into the expediency of taxing Steam Boat Stock owned in this State, and report by bill or otherwise"; Whereupon: *Resolved* to concur in the reference.

Also received the following, "Resolved, the Governor and Council concurring herein, that the General Committee be instructed to inquire into the expediency of providing for the support, by the State, of such persons as shall become poor and have no legal residence in any town in this State; and also the expediency of providing County poor houses for such persons," with an order of reference thereon to a Committee of the House, to join from Council; Whereupon: *Resolved* to concur in said order of reference, and Mr. Phelps was appointed from Council.

Rec<sup>d</sup>. also the following Resolution for concurrence in passing, "Resolved, the Governor and Council concurring herein, that the General Committee be instructed to inquire into the expediency of repealing the whole of the Listers' act or acts and providing a system whereby all property, both real and personal, shall be appraised and assessed at such rate per centum as shall be thought proper, and report by bill or otherwise," which was read; Whereupon: *Resolved* to concur in passing said resolution. Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—The Council met agreeably to adjournment, His Honor the Lieut. Gov. in the Chair. On motion of Mr. Sherman, the resolution passed in the forenoon, relating to the time to meet in Joint Committee in the Representatives' room, to elect County officers, was reconsidered; the following proposals of amendment were made by Mr. Duming, to wit, to strike out the word "Friday" where it occurs and insert in lieu thereof the word *Monday*, and to strike out the word "Saturday" where it occurs and insert in lieu thereof *Tuesday*; Whereupon: *Resolved* to concur in passing the said resolution as amended. *Ordered* that the Secretary inform the House accordingly.

The petition of Avery Hutchins, a State prison convict, for a discharge, was taken up, and *Resolved* that the petitioner be discharged on condition that he leave this State within *Thirty* days. And the question

"Shall the said Avery Hutchins be discharged upon condition of his leaving the State within thirty days," was put and determined in the affirmative; Yeas 12. Nays 0. Those who voted in the affirmative were Messrs. Brainerd, Cobb, Deming, Graves, Howe, Janes, Jenison, Leavenworth, Loveland, Phelps, Robinson and Sherman.

The House sent up for concurrence, with an order of reference thereon to the Committee on Roads and Canals, the following, "Petition of John Gregory and others praying for the discontinuance of a certain road in Orleans County," "An act in addition to an act authorizing the Green Mountain Turnpike Company to resurvey and alter their road," "Petition of Enos Canfield praying for the grant of a Turnpike," "Petition of the Selectmen of Londonderry praying that the privilege of erecting a toll gate may be granted to the town of Londonderry," "Petition of the Green Mountain Turnpike Company praying for the alteration of their road," Whereupon: *Resolved* to concur in said orders of reference.

Rec<sup>d</sup>. also "Petition of John Bishop and others praying for the alteration of the name of the town of Random," with an order of reference on the same to the Committee raised on the petition of John Williams and others; Whereupon: *Resolved* to concur in said reference.

Also "Petition of Samuel Evarts & others praying for the incorporation of the Young Gentlemen's Literary Society," with an order of reference thereon to the Committee on Education. Also "A Bill to incorporate a Manufacturing Company at Weathersfield to be called the Ascutney Manufacturing Company," with an order of reference to the Committee on Manufactures. Rec<sup>d</sup>. also "Petition of Asa Fletcher and others praying for the incorporation of a Fire Society in Ludlow," with an order of reference thereon to a committee of two members of the House, to join from Council; Whereupon: *Resolved* to concur in said several orders of reference, and Mr. Loveland appointed from Council on the last petition.

Rec<sup>d</sup>. from the House of Representatives for concurrence in the reference the following: "Petition of Horatio Needham and others praying that an act may be passed to prohibit the taking of fish in the waters of Bristol," "Petition of R. Washburn and others praying that a law may be passed prohibiting the taking of fish in the waters of Black River, and Ludlow pond in Ludlow," with an order of reference to the General Committee; Whereupon: *Resolved* to concur in the reference.

Rec<sup>d</sup>. also: "Memorial of the American Convention for promoting the Abolition of Slavery and improving the condition of the African race," with an order of reference thereon to a committee of three members of the House to join from Council; Whereupon: *Resolved* to concur in said reference, and Mr. Howe was appointed from Council.

Also: "An act directing the Treasurer of this State to pay Elihu De Forrest the sum therein mentioned," with an order of reference thereon to the Committee of Claims. "Memorial of Heman R. Smith, President of a Military Convention holden at Williston, & others," praying for the repeal of certain laws in relation to the Militia, "Memorial of Benjamin Wright and others," praying for the repeal of certain laws in relation to the Militia, "Petition of Uriah Lee and others," praying that the law passed Nov. 9, 1831, in relation to the Militia, may be repealed, with an order of reference on each to the Committee on Military Affairs; Whereupon: *Resolved* to concur in the said several orders of reference.

Rec<sup>d</sup>. from the House for concurrence in the reference, "Petition of Mary Foster praying that an act may be passed granting her the privilege of selling the lands of her wards," "Petition of William Wiswall praying that an act may be passed granting him the privilege of selling the lands of his wards," "An act in addition to an act passed Nov. 18,



1824, entitled 'an act defining what shall be deemed and adjudged legal settlement, and for the support of the poor, for designating the duties of the overseers of the poor, and for the punishment of idle and disorderly persons, passed March 3<sup>d</sup> 1797,' with an order of reference on each to the Judiciary Committee; Whereupon: *Resolved* to concur in the reference.

*Also*, rec<sup>d</sup>. "Petition of Joseph Weeks to remit a Judgment in favor of the State Treasurer against said Weeks," "Petition of John Stenrnes and others praying that a sum due the State may be remitted," "Petition of Nathan T. Sprague praying that the Agent of the State may be authorized to correct a mistake in a deed of land given by the former Agent of the State." with an order of reference on each to the Committee of Ways and Means; Whereupon: *Resolved* to concur in the said several orders of reference.

*Also*: "Petition of Apollos Austin and 86 others for a Bank at Orwell," with an order of reference thereon to the Committee on Banks; Whereupon: *Resolved* to concur in said order of reference.

Rec<sup>d</sup>. *Also*: "Petition of Isaac G. Long praying for relief on account of injuries sustained while hunting for wolves": with an order of reference thereon to a committee of two members of the House to join from Council; Whereupon: *Resolved* to concur in said order of reference and Mr. Sherman appointed from Council.

*Also* "An act to incorporate the President, Directors & Company of the Bank of Coventry," "An act to incorporate the President, Directors & Co. of the Bank of Poultney," "An act to incorporate the President, Directors and Company of the Bank of Orwell": with an order of reference on each to the Committee on Banks; Whereupon: *Resolved* to concur in the said orders of reference.

Rec<sup>d</sup>. *Also*: "Petition of Otis Leland for a land tax on Lowell," "Petition of Harry Baxter for a land tax on Barton," "An act to revive an act laying a tax on the lands in Sheldon," "Petition of Joseph Waterman and others praying for a land tax on Sterling," "Petition of the Selectmen of Newport praying for a land tax," with an order of reference on each to the Land Tax Committee; Whereupon: *Resolved* to concur in said several orders of reference. Adjourned to 9 o'clock tomorrow morning.

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SATURDAY Oct<sup>r</sup> 20, 1832. 9 O'clock A. M.

The Governor & Council met agreeably to adjournment. The House sent up for concurrence in passing the following resolution, "Resolved, the Governor and Council concurring herein, that both Houses meet in the Representatives' room at eleven of the clock, this day, for the purpose of electing a chaplain for the remainder of the session of the Legislature; which was read,—Whereupon: *Resolved* to concur in passing said resolution, and *Ordered* that the Secretary inform the House of such concurrence.

Rec<sup>d</sup>. from the House with an order of reference thereon the following, to wit, "Petition and memorial of Heman R. Smith, President of a Military Convention, and others, praying for an alteration of the Law in relation to the Militia," "Memorial of the Officers and Soldiers of the 3<sup>d</sup>. Brigade and 3<sup>d</sup>. Division of the Militia of Vermont, and other Citizens of the State, praying for a reform in the Militia Laws of this State," *Also* "Petition of Heman R. Smith and others praying that certain laws in relation to the Militia may be repealed"; Whereupon,—*Resolved* to concur in the aforesaid orders of reference to the Committee on Military Affairs.

Rec<sup>d</sup>. Also for concurrence in passing the following, "Resolved, the Governor and Council concurring herein, that so much of the Governor's Message as relates to the Militia be referred to the Committee on Military Affairs"; which was read; Whereupon: *Resolved*, to concur in passing said resolution.

*Also*: "Resolved, the Governor and Council concurring herein, That the Military Committee be instructed to enquire whether any, and if any, what alterations ought to be made in the Militia Law of this State relating to the collection of Military fines; also that the said Committee be further instructed to inquire whether any, and if any, what further provisions ought to be made for the encouragement of Volunteer or Independent Companies of Militia, and that said Committee report by bill or otherwise," which was read; Whereupon: *Resolved* to concur in passing said Resolution.

Rec<sup>d</sup>. from the House for concurrence in passing the following resolution, "Resolved, the Governor and Council concurring herein, that the Auditor of Accounts against this State be authorized to audit and settle the accounts of the Quarter Master General up to this date," Whereupon: *Resolved* to concur in passing said resolution, and *Ordered* that the Secretary inform the House of such concurrence.

*Also* Remonstrance of Josiah Wood and others, against the petition for a land tax on the town of Sherburne," "Petition of Asa Smith and others for a Land Tax on Mount Tabor," with an order of reference on each to the Land Tax Committee; Whereupon: *Resolved* to concur in said orders of reference.

*Also*: "Petition of John McDuffie praying for compensation in surveying a Canal route;" "Memorial of Joel Doolittle praying for remuneration on account of extra services as Judge of the Supreme Court," "Petition of James Kelsey, praying remuneration for monies paid by him to the State as bail for Nathan Fuller," with an order of reference on each to the Committee of Claims; Whereupon: *Resolved* to concur in said orders of reference.

*Also* "Memorial of Erasmus Plimpton and others against the Petition of Enos Canfield and others for the extension of a turnpike," with an order of reference thereon to the Committee on Roads & Canals. "Petition of Bellows Falls Canal Company, praying for the repeal of the second section of an act passed Oct<sup>r</sup> 1830 in relation to said Company," with the same order thereon as the last. Rec<sup>d</sup>. *Also*: "An act to encourage the destruction of Foxes in this State," "An act incorporating the third school district in Windsor," with an order of reference on each to the General Committee; Whereupon: *Resolved* to concur in said several orders of reference.

Rec<sup>d</sup>. also for concurrence in passing, the following resolution: Resolved, the Governor and Council concurring herein, that the General Committee be instructed to inquire into the expediency of so altering the Law that persons attending as Jurors before Justice Courts be allowed fifty cents for attendance and four cents per mile each way for travelling fees." Which was read; Whereupon: *Resolved* to concur in passing said resolution.

*Also*: "Resolved, the Governor and Council concurring herein, that the General Committee be instructed to inquire into the expediency of making a Law more effectually to prevent cattle from running in the Highways, and report by bill or otherwise," which was read, Whereupon: *Resolved* to concur in passing said resolution.

Rec<sup>d</sup>. also "Petition of John Beckwith in behalf of the Trustees of Lyndon Academy, praying that a part of the rents of Grammar School lands in said County may be granted said Trustees," "Petition of Tru-

man Squier and others praying for the repeal of the laws relating to Physic and Surgery," "Petition of Samuel C. Crafts praying that a rational division of the Grammar School funds in the County of Orleans may be made between the Academies of Craftsbury and Brownington," with an order of reference on each to the Committee of Education, Whereupon: *Resolved* to concur in the said several orders of reference.

Rec<sup>d</sup> from the House the following for concurrence in passing, "Resolved, the Governor & Council concurring herein, that so much of the Governor's Message as relates to imprisonment for debt be referred to the Committee of Insolvency," and the following, "Resolved, the Governor and Council concurring therein, that so much of the Governor's Message as relates to the United States Bank be referred to the Committee on Banks," which were read; Whereupon: *Resolved* to concur in passing said resolutions.

Rec<sup>d</sup> also "An act extending the time, and continuing in force for a limited period, 'An act to incorporate the President, Directors and Company of the Bank of Brattleboro,'" with an order of reference thereon to the Committee on Banks; Also: "Report of Committee to appraise the property of the State Prison," with an order of reference thereon to the Committee of Ways & Means. Also, "An exhibit of property by Superintendent of Vermont State Prison," with an order of reference on same to the Committee of Ways & Means. "Petition of James Southard praying for the remission of a fine and costs," with an order of reference to Com. of Ways & Means. "Petition of Stephen Coats praying that a free license may be granted him to peddle in this State," with an order of reference thereon to the Committee of Ways & Means; Whereupon *Resolved* to concur in the said several orders of reference.

Rec<sup>d</sup> also: "Petition of Enos Merrill and others praying that the law in relation to Leather Sealers may be altered or repealed," with an order of reference thereon to the Committee of Manufactures; Whereupon: *Resolved* to concur in said order of reference.

Rec<sup>d</sup> from the House for concurrence in the reference, "Remonstrance of James Pearse and others against the petition of the Selectmen of Ripton," "Petition of Rowland T. Robinson for the alteration of an act relating to Mills and Millers," with an order of reference on each to the Judiciary Committee; Whereupon: *Resolved* to concur in said orders of reference.

Rec<sup>d</sup> for concurrence in passing, the following resolution, "Resolved, the Governor & Council concurring, that so much of the Governor's Message as relates to nullification be referred to the Judiciary Committee," which was read, Whereupon: *Resolved* to concur in passing said resolution.

Rec<sup>d</sup> the following with an order of reference to the Judiciary Committee, "An act appointing a collector in West Fairlee," and "An act to repeal an act therein mentioned"; Whereupon: *Resolved* to concur in said orders of reference.

The petition of Ezekiel Odell, a State prison convict, was taken up, and on motion of Mr. Howe, *Ordered* to lie on the table.

The Governor and Council attended in the representatives' room, for the purpose of electing, in joint Committee, a Chaplain for the remainder of the session, agreeably to a joint resolution of both Houses, after which they returned to their Chamber.<sup>1</sup>

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<sup>1</sup>Rev. Chester Wright was elected. Mr. Wright was the first pastor of the first Congregational Church in Montpelier, occupying that office from Aug. 16, 1809, until Dec. 22, 1830. He was an able preacher and a

A message was rec<sup>d</sup>. from the House of Representatives, by Mr. [Edward D.] Barber, one of its members, informing that the House had elected Hon. John Smith [of St. Albans] Speaker, Timothy Merrill Esq. Secretary of State, Robert Pierpoint Esq. Clerk, and Daniel P. Thompson Esq. Engrossing Clerk for the year ensuing.

*Resolved* that when the Governor & Council adjourn, they adjourn to half past one o'clock, this afternoon. Adjourned.

HALF PAST ONE O'CLOCK P. M.—Governor and Council met agreeably to adjournment. The following resolution was rec<sup>d</sup>. from the House for concurrence in passing, to wit, "Resolved, the Governor and Council concurring herein, that a committee of one member from each county be appointed, to join from Council, to report a plan for dividing the State into Districts for electing Representatives to the Congress of the United States, and report by bill or otherwise, which was read, Whereupon : Resolved to concur in passing said resolution : and on motion of Mr. Deming a committee of three persons appointed to join from Council consisting of Messrs. Deming, Phelps and Jenison.

On motion of Mr. Phelps the Petition of Ezekiel Odel, a convict in State prison, was taken up, and was again *Ordered* to lie on the table.

The House sent up for concurrence in passing the following : "Resolved, the Governor and Council concurring herein, that so much of the Governor's Message as relates to Education be referred to the Committee of Education." "Resolved, the Governor and Council concurring herein, that the General Committee be instructed to enquire into the expediency of so altering the Listing Law that all wild lands owned by any one person, over and above *sixty* acres, shall be appraised and set in the List against such person ; and that they have leave to report by bill or otherwise"—which were both read ; Whereupon : *Resolved* to concur in passing the aforesaid resolutions.

Rec<sup>d</sup>. *Also*, "An act to incorporate the Springfield Village Fire Company," with an order of reference thereon to the General Committee. *Also* "Petition of Administrator of Isaac Marsh for authority to deed lands," with an order of reference to Judiciary Committee. "Petition of Saint Patrick & Jonathan Hall, praying that the waters of a certain brook near the State prison, now under the officers of the State Prison,

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faithful and successful pastor, much and widely beloved in the churches of his own denomination, and highly respected by every body. Imbibing the anti-masonic ideas prevalent in his last days, in a fearless and independent way, which was characteristic of him, he preached upon that subject so as to offend some of the oldest and best members and officers of his church, as well as several of the most liberal supporters of the church in the society connected therewith. As a consequence he was dismissed from his pastoral charge in Montpelier, but for a time he remained a citizen of the town, and was, very naturally and properly, honored and favored by the political party in the Legislature with which he was allied. He was pastor of the second Congregational Church in Hardwick June 15, 1837, until 1840, when, his health failing, he returned to Montpelier and died there, April 16, 1840, in his sixty-fourth year. He was a native of Hanover, N. H., and a brother of the distinguished Congressman and jurist of Ohio, the late Hon. John C. Wright, who died at Washington city while in attendance upon the Peace Congress of 1861.

may be returned to their natural channel." Reference to Committee of Ways & Means. "An act for the relief of Wm. B. Pratt," to Committee of Claims. Whereupon *Resolved* to concur in said several orders of reference. Adjourned to 9 o'clock Monday morning.

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MONDAY Oct<sup>r</sup> 22<sup>d</sup> 1832. 9 O'clock A. M.

Governor and Council met agreeably to adjournment. Memorial of Abel Gilson Jr. and others in the case of Avery T. Fay, a prisoner in the County Jail at Woodstock, was, on motion of Hon. Mr. Loveland, called up and *Ordered* to lie on the table.

On motion of Mr. Deming, the petition of John Robbins, praying for a pardon, he having been convicted of Larceny at the June Term of Chittenden County Court, at Burlington, was called up and on the question being put, "Shall the said John Robbins be pardoned?" it was determined in the affirmative. Yeas 11. Nays 0. Those who voted in the affirmative were Messrs. Brainerd, Cobb, Deming, Graves, Howe, Jenison, Leavenworth, Loveland, Phelps, Robinson, Sherman.

Petition of Aaron M. Duffie was, on motion of Mr. Howe, called up, and on the question being put, Shall the said Aaron M. Duffie receive a pardon? it was determined in the affirmative. Yeas 11. Nays 0. Those who voted in the affirmative are Messrs. Brainerd, Cobb, Deming, Graves, Howe, Jenison, Leavenworth, Loveland, Phelps, Robinson, Sherman.

The following petitions of Convicts in the State Prison were severally called up and disposed of as follows, to wit, Petition of Jacob Allen was *Ordered* to lie on the table. Petition of Frederick Auberry was *Ordered* to lie on the Table. Petition of Zachariah Arlin was Dismissed. Petition of John Ballard was Dismissed. Petition of Thomas Ballou was *Ordered* to lie on the table.

The House sent up for revision and concurrence or proposals of amendment the following engrossed Bill, entitled "An act in addition to an act entitled an act dividing the State into districts for electing representatives to the Congress of the United States, and directing the mode of their election," which was read, Whereupon: *Resolved* to concur in passing said bill, and *Ordered* that the Secretary inform the House of such concurrence. The Governor & Council adjourned to tomorrow 9 o'clock A. M.

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TUESDAY Oct<sup>r</sup> 23<sup>d</sup> 1832. 9 O'clock A. M.

The Governor and Council met agreeably to adjournment. House sent up for concurrence in passing the following resolution, to wit, "Resolved, the Governor and Council concurring herein, that both Houses meet in joint Committee in the Representatives' room, on Tuesday next at 2 o'clock in the afternoon, for the purpose of electing Judges of the Supreme Court for the ensuing year"; read and *Ordered* to lie on the table.

Rec<sup>d</sup> from the House of Representatives, with an order of re-commitment on the same to the Committee on Education; Whereupon: *Resolved* to concur in said re-commitment; the following, to wit, "An act incorporating the Vermont Scientific and Literary Institution at Brandon," and "An act to incorporate the Brattleboro' High School Association," and "An act incorporating a Clinical School of Medicine at Woodstock."

Rec<sup>d</sup>. Also, "The petition of William Jarvis and others praying for the repeal of the Law taxing Stock in foreign Banks," and "An act in addition to an act entitled an act to encourage the destruction of Bears within this State, passed November 9, 1831," & "An act in explanation of an act in addition to an act therein mentioned," with an order of reference to the Judiciary Committee, on each; Whereupon *Resolved* to concur in said orders of reference.

Rec<sup>d</sup>. the following, "Resolved, the Governor and Council concurring herein, that the Judiciary Committee be requested to report such amendments to the laws of this State, exempting personal property from attachment, as will be just and equitable between debtors and creditors, provided the bill now before this House, exempting the body from arrest and imprisonment, shall become a law," & read; Whereupon : *Resolved* to concur in passing said resolution.

Rec<sup>d</sup>. Also, "An act to repeal an act therein mentioned," with an order of reference thereon to a select committee of two members of the House to join from Council; Whereupon : *Resolved* to concur in said order of reference & Mr. Brainerd was appointed from Council.

"Petition of Lorrin Lucas praying for an alteration of his name," with an order of reference thereon to a select committee of the House to join from Council, Whereupon : *Resolved* to concur in said order of reference and Mr. Leavenworth appointed from Council.

Rec<sup>d</sup>. Also : "An act directing the Treasurer of this State to pay Lewis Higbee the sum therein mentioned," with an order of reference thereon to the Committee of Claims; Whereupon : *Resolved* to concur in said order of reference.

The Governor and Council proceeded to the Representatives' room agreeably to a joint resolution of both Houses, to elect County officers, and returned to their chamber.

The resolution, which was this morning laid on the table, appointing a time for both Houses to meet to elect Judges of the Supreme Court, was called [up] and, on motion, amended as follows, Strike out the words "Tuesday next at 2 o'clock P. M." and insert in lieu thereof the words "Wednesday next at 10 o'clock A. M." Whereupon : *Resolved* to concur in passing said resolution as amended and *Ordered* that the Secretary inform the House accordingly.

The House sent up for concurrence in the reference the following, "Petition of Inhabitants of the towns of Salem, Charleston, Morgan and Derby praying for the formation of a new town," with an order of reference to a select committee of the House to join from Council; Whereupon : *Resolved* to concur in said order of reference and Mr. Robinson was appointed from Council. "An act for the better organization of the Surveyor General's Department," with an order of reference thereon to a select committee to join from Council, Whereupon : *Resolved* to concur in said reference, and His Honor the Lieut. Governor was appointed from Council.

Rec<sup>d</sup>. from the House for concurrence in passing the following, "*Resolved*, the Governor and Council concurring herein, that so much of the Governor's message as relates to the subject of oaths be referred to a select committee of two to join from Council," which was read; Whereupon : *Resolved* to concur in passing said resolution, and Mr. Loveland was appointed from Council. Also, "*Resolved*, the Governor and Council concurring herein, that so much of the Governor's message as relates to quarantine regulations be referred to a select committee of two to join from Council," which was read, and *Resolved* to concur in passing said resolution and Mr. Jenison appointed from Council.

"Petition of Jonathan Sargeant, a convict in the State Prison, was

on motion called up and *Ordered* to lie on the table. Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—Governor and Council met pursuant to adjournment, and Adjourned to 9 o'clock tomorrow morning.

WEDNESDAY Oct<sup>r</sup> 24, 1832. 9 o'clock A. M.

The Governor and Council met pursuant to adjournment. Rec<sup>d</sup>. from the House for concurrence in the reference to the Committee on Manufactures the following, to wit, "An act to incorporate the Springfield Manufacturing Company," and *Resolved* to concur in said reference.

Rec<sup>d</sup>. also the following resolution for concurrence in passing, to wit, "Resolved, the Governor and Council concurring herein, That His Excellency be requested to appoint Thursday, the 6<sup>th</sup> day of December next, to be observed as a day of public Thanksgiving and Praise throughout this State." Whereupon: *Resolved* to concur in passing said resolution, and *Ordered* that the Secretary inform the House of such concurrence.

The House sent up for concurrence in the reference "An act in addition to an act entitled an act for the support of common schools, passed Nov. 9, 1827," with an order of reference to the Judiciary Committee; "Remonstrance of Joseph Burnap and others against the petition of \_\_\_\_\_ praying that two lots of land in Goshen granted to the first settled minister may be appropriated to the use of common schools," with an order of reference to the General Committee. "An act to enable James Dodds to hold real estate," with an order of reference thereon to the Committee raised on the Bill for the relief of Isaac Leffingwell; Whereupon: *Resolved* to concur in the aforesaid orders of reference.

Also "Petition of David Bardslee praying to be restored to his legal privileges," with an order of reference thereon to a committee of two members of the House to join from Council, Whereupon: *Resolved* to concur in said order of reference and Mr. Loveland appointed from Council.

"An act for the relief of James Campbell," with an order of reference to the Committee on the Bill for the relief of Isaac Leffingwell, "An act for the relief of Isaac Leffingwell," with an order of reference to a committee of two members of the House to join from Council; Whereupon: *Resolved* to concur in said several orders of reference and Mr. Sherman was appointed from Council.

Rec<sup>d</sup>. also, "Petition of the Selectmen of Windham, praying that a portion of the Grammar School Lands may be appropriated to the use of Schools," with an order of reference thereon to a committee of two members of the House to join from Council; Whereupon: *Resolved* to concur in said order of reference, and Mr. Cobb was appointed from Council.

"Petition of Ezekiel Odell, a State's Prison convict, was called up, and the question "Shall the said Ezekiel Odell be discharged from the State Prison"? was determined in the affirmative, Yeas 10. Nays 3. Those who voted in the affirmative are Messrs. Brainerd, Deming, Graves, Jones, Jenison, Leavenworth, Loveland, Phelps, Robinson, and Sherman; those in the negative are His Honor the Lieut. Governor, Messrs. Cobb and Howe. The petitions of Thomas Ballou & Nathan Bean, state prison convicts, were called up and *Ordered* to be dismissed. The petition of Harvey Beckley was taken up and the question "Shall the said Harvey Beckley be discharged from State's prison"? was asked and determined in the affirmative; Yeas 13, Nays 0, His Honor the Lieut. Governor and every member of the Council voting in the affirmative.

A written communication was rec<sup>d</sup>. from the Speaker of the House, announcing the concurrence of the House in the amendment adopted by the Council to the resolution appointing the time to meet in joint Committee to elect Judges of the Supreme Court.

The petition of Josiah Blanchard, a State's prison convict, was taken up, and *Ordered* to be dismissed.

The Governor and Council proceeded to the Representatives' room, agreeably to the joint resolution, of both Houses, to elect the Judges of the Supreme Court—after which they returned to their chamber.<sup>1</sup>

The petitions of Jonathan Sargeant, Willard Babbitt, Chester Baker, Stephen Brown, were severally taken up, being State prison convicts, and *Ordered* to be dismissed. The petition of Smith Clark, a State prison convict, was taken up and *Ordered* to lie on the table. The petition of Lucius Collins was taken up (a state prison convict,) and *Ordered* to lie on the table. The petitions of Tracy Castle, William S. Curtis and George Cooper, state prison convicts, were taken up and *Ordered* to be dismissed. The petitions of William Davis, and George W. Drew, state prison convicts, were taken up, and *Ordered* to lie on the table. The petition of Frederick Deitterich, a state prison convict, was taken up and on the question "Shall the said Frederick Deitterich be discharged from State Prison"? being put, it was determined in the affirmative; the whole Council voting in the affirmative. Yeas 12. Nays 0. The petition of John Erwin, a state prison convict, was taken up, and on the question "Shall the said John Erwin be discharged from State Prison"? being asked it was determined in the affirmative: those voting in the affirmative are Mr. Cobb, Deming, Graves, Howe, Jenison, Leavenworth, Loveland, Phelps, Robinson, and Sherman; those in the negative are Messrs. Brainerd and Jones. Yeas 10. Nays 2. The petitions of Geo. Darling and Morris Emery, state prison convicts, were taken up and severally *Ordered* to be dismissed. The petition of Hiram Eastman, a State prison convict, was taken up, and *Ordered* to lie on the table. The petitions of Alexandria Germain and William Gonea, state prison convicts, were taken up and *Ordered* to lie on the table. Adjourned.

2 O'CLOCK P. M.—The Governor and Council met agreeably to adjournment. The following were rec<sup>d</sup>. from the House of Representatives, with an order of reference on each to the Judiciary Committee, "An act in addition to the several acts providing for and directing the mode of electing Representatives to Congress in the several districts within this State"; "An act for the alteration of an act relating to the duties of Town Clerks"; "Petition of William Hoit, praying that an act may be passed to prohibit the taking of fish from a Pond in Cabot"; "An act annexing Savage Island to South Hero"; *Also*, the following with an order of reference on each to the General Committee, "Petition of Abraham Williams and others in relation to the preservation of fish in the waters of Otter Creek and its tributaries," "An act to preserve the fish in Addison and Rutland Counties"; *Also*, the following with an order of reference to the Committee of Claims, "An act directing the Treasurer to pay Jesse Vose the sum therein mentioned," and "An act directing the Treasurer of this State to pay Daniel Douglass the sum therein mentioned," and "Petition of the Inhabitants of Newhaven praying for remuneration for damages sustained by the Flood of 1830"; Whereupon: *Resolved* to concur in said several orders of reference.

*Also* "Petition of the Selectmen of Ripton praying that a part of the town of Salisbury may be annexed to the town of Ripton," with an order

<sup>1</sup>The election was postponed one day.



of reference thereon to a committee of two members of the House to join from Council; Whereupon: *Resolved* to concur in said order and Mr. Jenison was appointed from Council.

"Petition of John Williams and others praying that the town of Random may be annexed to the County of Orleans," with an order of reference thereon to a Committee of two to join from Council; Whereupon: *Resolved* to concur in such reference and Mr. Robinson appointed from Council.

The petition of Peter Gorrie, a state prison convict, was taken up and *Ordered* to lie on the table. The petitions of Alexander Germain, William Gould, William N. Gillett, Anthony Gorrio, Jeremiah Gould, Aaron Gary, Abraham Gates, Lucius Hill, Elisha Hyde, Chester Hodgden, William Baxter alias Herrick, Parker Howard, John Keyes, Michael Lillies, Hiram Lee, David Lee, Joseph Little, Paul Lucius, state prison convicts, were severally taken up, and *Ordered* to be dismissed. The petitions of John H. Ellis, Giles Hill, Jabez P. Holden, William O. Lee, John Logan, and John McConnell, state prison convicts, were severally taken up, and *Ordered* to lie on the table. The petition of John Hopkins, a state prison convict, was taken up and the question "Shall the said John Hopkins be discharged from State prison?" being put, it was determined in the affirmative; Yeas 12. Nays 0, the whole Council voting in the affirmative.

The petition of George H. Judd was called up, and the question "Shall the said George H. Judd be discharged from State Prison?" being put, it was determined in the affirmative. Yeas 12. Nays 0; Every member of the Council voting in the affirmative.

Rec<sup>d</sup> from the House of Representatives for concurrence in passing the following, to wit, "Resolved, the Governor and Council concurring herein, that the Committee on Education be instructed to inquire into the expediency of a purchase, by the State, of that part of the Capital Stock of the several Banks which the State is entitled to purchase by the Charters of said Banks, to be invested in a fund for the benefit of common Schools"; Whereupon: *Resolved* to concur in passing said resolution. Adjourned to 9 o'clock tomorrow morning.

#### THURSDAY Oct<sup>r</sup> 25, 1832. 9 o'clock A. M.

The House sent up for concurrence with an order of reference thereon to the Committee on Military Affairs, the following: "An act in alteration of the several acts regulating and governing the Militia of this State," and the "Petition and memorial of A. L. Brown and others, praying for the repeal of certain laws in relation to the Militia"; *Also*, the following with an order of reference to the Judiciary Committee, "Report of Asa Aiken relative to lands in Wheelock";<sup>1</sup> and a "Petition of the Selectmen of Charleston, praying for relief on account of damage done by overflowing lands in said town," "An act for the relief of Moor's Charity School, and the Trustees of Dartmouth College," "An act in addition to an act defining the powers of a Justice of the Peace within this State"; *Also* "An act to provide for removing ob-

<sup>1</sup> This report was the result of an examination into the question whether the grant of the land embraced in the town of Wheelock, made by Vermont in 1785 and confirmed in 1807, to John Wheelock as President of Moor's Charity School and to the trustees of Dartmouth College, had been forfeited. For this report see *Vermont Assembly Journal* of 1832, pp. 183-192.

structions in Nulhegan River," with an order of reference thereon to the Committee on Roads and Canals; and the following for concurrence in passing: "Resolved, the Governor and Council concurring herein, that the Committee on Roads and Canals be instructed to inquire into the expediency of passing a law more particularly defining the manner in which allowance lands shall be set over in lieu of damages in laying Roads, and report by Bill or otherwise." Also "Petition of Abdiel Blodgett and others praying for a land tax on the town of Lemington," and "Petition of Ebenezer Gaskill and others for a Land tax on Random, Ferdinand and Westmore," with an order of reference on each to the Land Tax Committee; Whereupon: *Resolved* to concur in the aforesaid orders of reference and in passing said resolution.

Also, "The remonstrance of Abner Allyn and 83 others against the division of Charleston," with an order of reference thereon to the Committee on Salem and others; Also, "The expose of Benjamin Swan, relative to the mode of making up the Grand List," with an order of reference to the General Committee; Whereupon: *Resolved* to concur in said orders of reference.

The petition of John H. Ellis, a convict in the State Prison, which was laid on the table yesterday, was called up, and while under consideration The Governor and Council proceeded to the Representatives' room to elect Judges of the Supreme Court agreeably to a joint resolution—after which they returned to their Chamber,<sup>1</sup> and resumed consideration of the petition of John H. Ellis, and on motion to lay said petition on the table [it was] decided in the negative. On motion of Mr. Deming *Resolved* to postpone the consideration of said petition till to-morrow morning.

Rec<sup>d</sup> from the House for concurrence and revision or proposals of amendment, the following engrossed bills, entitled "An act to incorporate the Springfield Village Fire Company," "An act incorporating the Village of Brattleboro," which were read & *Ordered* to lie on the table. Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—The Governor and Council met agreeably to adjournment. The House sent up for concurrence in the reference the following, to wit, "An act to repeal an act therein mentioned," with an order of reference thereon to the Committee on Education. "Petition of Daniel Staniford, praying that further time may be granted for the payment of certain notes given to the State Treasurer," with an order of reference thereon to the Committee of Ways & Means. Rec<sup>d</sup>. Also, "Remonstrance of the Inhabitants of the town of Elmore against the petitions for a new County," with an order of reference thereon to the Judiciary Committee. Also "An act directing the Treasurer to pay Asa Aiken the sum therein mentioned," with an order of reference to the Com. of Claims. Also, "An act extending the time and continuing in force for a limited period 'an act to incorporate the President, Directors and Company of the Bank of Brattleboro,'" with an order to recommit the same to the Committee on Banks; Whereupon: *Resolved* to concur in said several orders of reference and in the recommitment.

Also "The Petition of Eliza B. Cleveland praying that a pardon may be granted Norman Cleveland now in State's prison," with an order of reference thereon to a select Committee of four members of the House to join from Council; Whereupon: *Resolved* to concur in said order of reference and Mr. Janes was appointed from Council.

Rec<sup>d</sup>. also the following with the same order of reference to the same

<sup>1</sup>Titus Hutchinson, Charles K. Williams, Stephen Royce Jr., Nicholas Baylies, and Samuel S. Phelps were elected.

committee both on the part of the House and Council, "Petition of Samuel Chamberlain and others praying that Norman Cleveland, now confined in State Prison, may be pardoned," "Petition of J. Collamer and others praying that Norman Cleveland, now confined in State Prison, may be released & pardoned," "Petition of Norman Cleveland praying that an act may be passed releasing him from imprisonment in State Prison and granting him a pardon"—*Resolved* to concur in the reference &c.

On motion of Mr. Janes, the vote taken yesterday to dismiss the petition of Josiah Blanchard, a State prison convict, was reconsidered, and said petition was *Ordered* to lie on the table. On motion of Mr. Howe the vote yesterday taken to dismiss the petition of Tracy Castle, a State prison convict, was reconsidered, and the petition *Ordered* to lie on the table.

The House sent up for concurrence in passing the following resolutions, to wit, "Resolved, the Governor and Council concurring herein, that the General Committee be directed to inquire into the expediency of providing, by Law, for perambulating and marking the Town lines of the several Towns in this State"; Whereupon: *Resolved* to concur in passing said resolution. "Resolved, the Governor and Council concurring herein, that both Houses meet in the representatives' room at 2 o'clock in the afternoon of Friday next to elect a Superintendent of the Vermont State Prison"; Whereupon: *Resolved* to concur in passing said resolution, and *Ordered* that the Secretary inform the House of such concurrence. "Resolved, the Governor and Council concurring herein, that both Houses meet in joint committee in the representatives' room on Friday afternoon, at 2 o'clock, for the purpose of electing a Surveyor General, and Auditor of Accounts against the State for the year ensuing," Whereupon: *Resolved* to concur in passing said resolution, and *Ordered* that the Secretary inform the House accordingly.

Petition of Elias Trask, a state prison convict, was called up and while under consideration the Gov. & Council adjourned to 9 o'clock tomorrow morning.

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FRIDAY Oct<sup>r</sup> 26, 1832. 9 o'clock A. M.

The Governor and Council met pursuant to adjournment. The House sent up for concurrence in the reference to the Judiciary Committee the following, "An act in addition to an act for the punishment of certain capital and other high crimes and misdemeanors," "An act in addition to an act in alteration of an act entitled 'an act constituting the Supreme Court of Judicature and County Courts, defining their powers and regulating Judicial proceedings, passed Nov. 18, 1824,'" and also rec<sup>d</sup>. the following, "Resolved, the Governor & Council concurring herein, that the Judiciary Committee be instructed to inquire into the expediency of passing a general law fixing on a time when the acts of the Legislature shall go into full operation, and report by bill or otherwise," Whereupon: *Resolved* to concur in the aforesaid orders of reference and in passing said resolution.

Rec<sup>d</sup>. from the House "Memorial of John Hough, Chairman of the Executive Committee of Addison County Temperance Society, praying for the repeal of all laws authorizing the sale of ardent spirits by small measure," with an order of reference to a select committee of three members of the House to join from Council, Whereupon: *Resolved* to concur in said order of reference, and Mr. Jenison was appointed from Council.

Rec<sup>d</sup> for revision &c. an engrossed bill entitled "An act relating to Justices of the Peace," which was read; Whereupon: *Resolved* to concur in passing said bill, & the Secy. was directed to inform &c.

Rec<sup>d</sup> for revision &c. an engrossed Bill entitled, "An act to incorporate the Young Gentlemen's Literary Society in Cornwall," which was read, and *Ordered* to lie on the table.

Rec<sup>d</sup> for revision &c. an engrossed bill entitled "An act to alter the name of Eri Chapin to the name of Eri Allen," which was read, and *Ordered* to lie on the table.

Rec<sup>d</sup> for revision &c. an engrossed bill entitled "An act in addition to and in explanation of an act constituting Probate Courts and defining their powers and regulating the settlement of testate and intestate estates and the guardianship of minors and insane persons;" read and *Ordered* to lie on the table.

Rec<sup>d</sup> also the following for concurrence in the reference, "An act to enable William Kneen to hold and convey real estate," with an order of reference to a select committee of two members of the House to join from Council. *Resolved* to concur in the reference and Mr. Phelps appointed from Council.

Rec<sup>d</sup> from the House "Petition of Charles Whittemore and others for a new county," and "Petition of Thomas Waterman and others for a new county," with an order of reference on each to the Judiciary Committee, Whereupon: *Resolved* to concur in said orders of reference.

Rec<sup>d</sup> also "Remonstrance of Jotham Cummings and others against the petition praying for the formation of a new town to be composed of parts of the towns of Morgan, Charleston & Salem," with an order of reference to the Committee on [petition of inhabitants of] Salem and others, Whereupon: *Resolved* to concur in said reference.

Rec<sup>d</sup> from the House an engrossed bill entitled "An act directing the Treasurer to pay Ezra C. Scott the sum therein mentioned," which was read; Whereupon: *Resolved* to concur in passing said bill. Rec<sup>d</sup> from the House for revision &c. the engrossed bill entitled "An act to incorporate the Springfield Village Fire Company," which was read; Whereupon: *Resolved* to concur in passing said bill. Rec<sup>d</sup> also for revision &c. an engrossed bill entitled "An act to alter the name of Royal Wells to the name of Royal W. Adams," which was read; Whereupon: *Resolved* to concur in passing said bill, and *Ordered* that the Secretary inform the House of the concurrence of the Governor & Council in the passage of the three foregoing bills.

The Governor and Council resumed the consideration of the petition of Elias Trask, a State prison convict, and the same was *Ordered* to be dismissed.

The Governor & Council proceeded to the Representatives' room on an adjournment of the Joint Committee, after which they returned to their Chamber.

Petition of Hazeltine Maxson, a State prison convict, was called up, and *Ordered* to be dismissed. Petition of Josiah Blanchard, a state prison convict, was called up again, and again *Ordered* to lie on the table. Petition of Abraham Mockridge was called up and while under consideration, the Governor & Council adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—The Governor and Council met pursuant to adjournment and proceeded to the Representatives' room agreeably to a resolution of both Houses, passed yesterday, for the purpose of electing a Superintendent of the Vermont State prison, Surveyor General, and an Auditor of accounts for the year ensuing, after which they returned

to their chamber,<sup>1</sup> resumed the consideration of the petition of Abraham Mockridge, a State prison convict, and it was *Ordered* to be dismissed. The petitions of Henry Morse, Stephen Prentiss, John Powers, Samuel Ruggles, Peter Rosenbury, Edward Riley, and John Ryan, state prison convicts, were severally taken up & severally *Ordered* to be dismissed. Petition of Alonzo Quinn, a state prison convict, was taken up, and *Ordered* to lie on the table. Petition of John M. B. Spencer, a state prison convict, was taken up and the question "Shall the said John M. B. Spencer be discharged from State prison?" was put and answered in the affirmative. Yeas 11. Nays 1. Those who voted in the affirmative are Messrs. Brainerd, Cobb, Deming, Graves, Janes, Jenison, Leavenworth, Loveland, Phelps, Robinson and Sherman; the member voting in the negative was Mr. Howe.

Rec<sup>d</sup>. from the House of Representatives for concurrence in passing, the following resolution, to wit, "Resolved, the Governor and Council concurring herein, that both Houses, in their respective rooms, proceed, at two o'clock on Tuesday next, to elect a Senator to represent this State in the Senate of the United States, for the term of six years, to commence with the 4<sup>th</sup> day of March next, and that both Houses meet in the Representatives' room immediately thereafter, to complete said election according to Law," which was read; Whereupon: *Resolved* to concur in passing said resolution, and *Ordered* that the Secretary inform the House of such concurrence. Adjourned to 9 o'clock tomorrow morning.

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SATURDAY OCT<sup>r</sup> 27, 1832. 9 O'clock A. M.

The Governor & Council met agreeably to adjournment. The House sent up for concurrence in the reference "An act authorizing the Proprietors of Haverhill Bridge to erect an abutment and a toll gate in this State," with an order of reference to the Committee on Roads & Canals; Whereupon: *Resolved* to concur in the reference. Also "An act in addition to the several acts regulating town meetings, and the choice and duty of town officers," with an order of reference to the General Committee; Whereupon: *Resolved* to concur in said reference.

The House sent up for concurrence in passing the following resolution, to wit, "Resolved, the Governor and Council concurring herein, that our Representatives in Congress be requested, and our Senators instructed, to use all honorable endeavors to procure the passage of a Law which shall effectually protect our citizens engaged in the Manufacture of Marble from foreign competition," which was read; Whereupon: *Resolved* to concur in passing said resolution, and *Ordered* that the Secretary inform the House of such concurrence.<sup>2</sup>

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<sup>1</sup> The following elections were made: John Johnson Surveyor General; David Pierce Auditor of Accounts, and John H. Cotton Superintendent of the State Prison.

<sup>2</sup> The author of this resolution was Charles Carron jr., the representative of Isle la Mott, a small town which has the honor of producing a very useful though by no means the most beautiful marble which Vermont furnishes. It was the first resolution inviting the attention of the Legislature of Vermont to one of the most admirable and valuable productions of the State. Whoever visits the State Cabinet of Vermont will be struck with the great variety of beautiful specimens of its mar-

The engrossed bill, entitled "An act to alter the name of Eri Chapin to the name of Eri Allen," which was yesterday laid on the table, was called up, read and *Resolved* to concur in passing said bill, and *Ordered* that the Secretary inform the House accordingly.

The engrossed bill entitled "An act in addition to and in explanation of an act entitled an act constituting Probate Courts, and defining the powers [thereof] and regulating the settlement of testate & intestate estates, and the guardianship of minors and insane persons," was read and *Resolved* to non-concur in the passage of said bill. Yeas 7. Nays 4. On the question "Will the Council non-concur in the passage of this Bill" ? it was determined in the negative [affirmative.] Those who voted in the affirmative were Messrs. Brainerd, Howe, Jones, Leavenworth, Phelps, Robinson, & Sherman. Those in the negative are Messrs. Deming, Graves, Jenison, and Loveland. Mr. Howe appointed to assign the reasons to the House for the non-concurrence of the Governor & Council.

The engrossed bill entitled "an act incorporating the village of Brattleboro," which was yesterday laid on the table, was called up, and the following amendment proposed, to wit, at the close of the second section add the following words, "Provided also that the amount of estate, real or personal, holden by said corporation shall not at any time exceed in value the sum of five thousand Dollars." Strike out the words "Justice of the Peace within said Village" in the first line of the third page and insert in lieu thereof the words, "courts proper to try the same." Also strike out in the third and fourth lines of the last Section the words "in the same manner," and insert in lieu thereof the words, "entitled to the same privileges and subject to the same liabilities"; and Mr. Deming was appointed to assign the reasons therefor to the House—Whereupon : *Resolved* to concur in passing said bill as amended. Hon. Mr. Deming reported the following reasons for the foregoing amendments, to wit, "1<sup>st</sup>. It is inexpedient to empower a corporation to hold property to an unlimited amount. 2<sup>d</sup>. The Justices of the Peace of said village would be interested in the event of suits proposed to be brought before them. 3<sup>d</sup>. To render said act more explicit, as to the liabilities of the Inhabitants of said Village as inhabitants of said town." Which were adopted; and it was Thereupon *Ordered* that the Secretary return said bill to the House with the reasons aforesaid.

The petitions of Theodore Rust, Philip Shepherd Jr., Stephen Sweetser and John Swett, State prison convicts, were severally taken up and *Ordered* to be dismissed. Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—The Governor and Council met agreeably to adjournment. Mr. Howe, who was appointed for that purpose, reported the following reasons for the non-concurrence of the Governor and Council in the engrossed bill, "constituting Probate Courts &c." to wit, 1<sup>st</sup>. Because it would disqualify the Judge of Probate from executing the

bles—probably more varied and beautiful than any other portion of the globe of equal extent can present. It may by some be questioned whether this sort of production, so varied in quality and superior in beauty, requires protective duties: but the facts are that the marble of Italy, in which the finest specimens of sculpture have been made, are fashionable, and Italian marbles often come as ballast for vessels in the Italian trade, or at a very insignificant rate of freight. Fashion is too apt to rule the wealthy, to the exclusion of the patriotism and good taste which would prefer the most beautiful productions of one's own country.

duties of his office in all cases where he might have only a small claim against the estate of the deceased, and when s<sup>d</sup>. estate proved to be insolvent, which might frequently happen. 2<sup>d</sup>. Because in many cases this interest could not be ascertained until the settlement of the estate was nearly completed—and in such an event all the proceedings thus far would be vitiated & have to be commenced anew—which were adopted: Whereupon: *Ordered* that the Secretary return said bill to the House with the reasons aforesaid.

The House sent up for concurrence in the reference to the Committee of Ways & Means the following, to wit, "An act directing the Treasurer of this State to pay the town of Bristol and the town of Newhaven the sum therein mentioned," "An act directing the Treasurer to pay John Robinson the sum therein mentioned." Whereupon: *Resolved* to concur in said orders of reference.

Rec<sup>d</sup>. Also "Petition of the Inhabitants of Newhaven praying for remuneration for damages sustained by the flood of 1830,"—with a discharge of the General Committee and an order of reference thereon to the Committee of Ways and Means. Whereupon: *Resolved* to concur in discharge and reference.

Rec<sup>d</sup>. Also "Remonstrance of Joseph Burnap & others against the petition of ——— praying that the two lots of land in Goshen, granted to the first settled minister, may be appropriated to the use of common schools," with an order of reference thereon to the Judiciary Committee; Also "An act directing the Treasurer to pay James Morse the sum therein mentioned," with an order of reference to the Committee of Claims; Whereupon: *Resolved* to concur in the reference.

Rec<sup>d</sup>. from the House for concurrence in passing the following resolution, to wit, "Resolved, the Governor and Council Concurring herein, that the land tax committee be directed to enquire into the expediency of repealing or altering that part of the act relating to particular land taxes which gives to the Superintending Committee the power to lay out roads in the month of May, and report by bill or otherwise," Whereupon: *Resolved* to concur in passing said resolution.

Rec<sup>d</sup>. Also "An act to revive an act laying a tax on the lands in Waterville," with an order of reference thereon to the land tax Committee; Whereupon: *Resolved* to concur in the reference.

Also rec<sup>d</sup>. for concurrence in passing the following resolution, "Resolved, the Governor and Council concurring herein, that both Houses meet in Joint Committee in the Representatives' room, on Wednesday next at 10 o'clock A. M. for the purpose of electing a person to preach the next election sermon," which was read, Whereupon: *Resolved* to concur in passing, and *Ordered* that the Secretary inform the House of such concurrence.

Rec<sup>d</sup>. Also "An act to repeal an act therein mentioned," with an order of reference thereon to the Judiciary Committee. *Resolved* to concur in said reference.

Also, the following resolution for concurrence in passing—"Resolved, the Governor & Council concurring herein, that the Judiciary Committee be instructed to enquire into the expediency of repealing the law prohibiting Justices of the Peace from signing blank writs"—Which was read, Whereupon *Resolved* to concur in passing said resolution.

Also "The Remonstrance of the Inhabitants of the town of Derby against the alteration of the town lines of the towns of Salem, Morgan, Charleston & Derby," with an order of reference thereon to committee raised on the petition of Salem &c. Whereupon: *Resolved* to concur in the reference.

Rec<sup>d</sup>. from the House the resolution following, "Resolved, the Gover-

nor and Council concurring herein, that the Judiciary Committee be directed to inquire into the expediency of passing a law providing that civil process may be served on Saturday night at any time before twelve o'clock," which was read, Whereupon: *Resolved* to concur in passing said resolution.

*Also* "An act to repeal an act therein mentioned," with an order of reference to the Judiciary Committee. *Also* "An act to repeal the providing clause to an act entitled an act for the election of Representatives to Congress," with an order of reference to the Distributing Committee. "An act in addition to and in amendment of an act dividing the State into districts for electing Representatives to the Congress of the United States & directing the mode of their election, passed Nov. 11, 1822"—Whereupon: *Resolved* to concur in the reference. Adjourned to 9 o'clock Monday morning.

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MONDAY Oct<sup>r</sup> 29, 1832. 9 O'clock A. M.

Governor and Council met agreeably to adjournment. Rec<sup>d</sup> from the House for revision & an engrossed bill entitled "An act to incorporate the Young Gentlemen's Literary Society in Cornwall," which was last Friday laid on the table, was called up; and *Resolved* to concur in passing said bill; and *Ordered* that the Secretary inform the House of such passage.

The petitions of Cornelius Truax, William Towsley, William Taylor, John Warrington, John White, and Salmon Whitlock, State prison convicts, were severally called up and *Ordered* to be dismissed. Petition of Philip Tewksbury, a state prison convict, was taken up and *Ordered* to lie on the table.

The House sent up for concurrence in the reference the following, to wit, "Report of the Committee to receive proposals for building a State House," with an order of reference thereon to a Committee of one member from each County, of the House, to join from Council—Whereupon: *Resolved* to concur in said reference, and Mr. Deming appointed from Council.

Rec<sup>d</sup> also the following with an order of reference on each to the same Committee, to wit, "An act authorizing the erection of a State House at Montpelier," and a "Copy of the Subscription for a State House at Montpelier." *Resolved* to concur & Mr. Deming appointed from Council.

*Also* "An act in addition to an act directing the mode of electing Governor, Lieutenant [Governor,] Treasurer of the State, Councillors, and Representatives, with an order of reference to the Judiciary Committee. *Also* "An act in addition to an act entitled an act constituting the Supreme Court of Judicature, and County Courts, defining their powers and regulating Judicial proceedings, passed March 2<sup>d</sup> 1797," with an order of reference to the Judiciary Committee. *Also* "An act relating to Peddlers," with an order of reference to the Committee of Ways and Means"; "An act in addition to an act entitled an act directing the levying & serving Executions," with an order of reference to the General Committee; "John L. Chandler's account against the State, disallowed by the Auditor and referred to the Gen<sup>l</sup> Assembly," with an order of reference to the Committee of Claims—"An act directing the Treasurer to pay Joseph Howes, Surveyor of State buildings, the sum therein mentioned," with an order of reference to the Committee of Claims. Whereupon: *Resolved* to concur in the afores<sup>d</sup> orders of reference.



Petition of Ambrose Record, a prisoner now confined in the County Jail at Rutland, for a release & for the remission of a fine & costs, was called up and *Ordered* to lie on the table.

Rec<sup>d</sup> from the House the Remonstrance of Josiah Wood & others against the petition for a land tax on the town of Sherburne, with an order of reference on recommitment to the Land Tax Committee. Whereupon : *Resolved* to concur in said recommitment.

The petition of Tracy Castle, laid on the table last week, was called up and *Ordered* to be dismissed. "Petition of Jacob Allen, a State prison convict, laid on the table on the 26<sup>th</sup> inst. was called up, and on the question "Shall the said Jacob Allen be discharged from State Prison" ? being put, it was answered in the affirmative—Yeas 9. Nays 0. Those who voted in the affirmative are Messrs. Brainerd, Deming, Graves, Jenison, Leavenworth, Phelps, Robinson, and Sherman. Those in the negative none. "Petition of Frederick Auberry, a State prison convict, which was laid on the table on the 26<sup>th</sup> inst. was called up, and the question "Shall the said Frederick Auberry be discharged from State prison" ? was put and answered in the affirmative, Yeas 8. Nays 1. Those who voted in the affirmative are Messrs. Brainerd, Deming, Graves, Jenison, Leavenworth, Phelps, Robinson, and Sherman ; those who voted in the negative are only Mr. Howe.<sup>1</sup> "Petition of Horace Wright, a State prison convict, was called up and *ordered* to be dismissed. Petition of Thomas Barnes, a State prison convict, was taken up and *Ordered* to be dismissed. Petition of John Logan, laid on the table on the 24<sup>th</sup> inst. was called up and *Ordered* to be dismissed. Petition of Lucius Collins, which was laid on the table on the 24<sup>th</sup> inst. was called up and again *Ordered* to lie on the table. Petition of William Davis, a state prison convict, which was laid on the table on the 24<sup>th</sup> inst. was called up and the question "Shall the said William Davis be discharged from State prison on condition that he leave this State within thirty days" ? was put and determined in the affirmative—Yeas 8. Nays 1. Those who voted in the affirmative are Messrs. Brainerd, Deming, Graves, Jenison, Leavenworth, Phelps, Robinson and Sherman, Mr. Howe voting in the negative.

Rec<sup>d</sup> for revision &c. the following engrossed bills entitled "An act compensating the Superintendent of the Vermont State Prison," "An act directing the State Treasurer to pay Asa Aiken the sum therein mentioned," "An act in addition to an act entitled an act to incorporate the President, Directors and Company of the Bank of Woodstock, passed Nov. 9, 1831," "An act in addition to an act relating to Jails and Jailers and for the relief of persons imprisoned therein, passed Nov. 5, 1799," "An act in explanation of and in addition to an act therein mentioned," "An act annexing part of the town of Salisbury to the town of Ripton," "An act directing the Treasurer to pay James Davis the sum therein mentioned," "An act annexing Savage Island to South Hero," "An act laying a tax on the lands in the town of Lemington," "An act

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<sup>1</sup> There is apparently a sarcasm in the peculiar language of this record which Secretary Manser could not have intended. Councillor Howe was a conscientious and kind man, who would never refuse mercy where he thought mercy was due. There were two instances in the record of 1832 in which the minority votes of two Councillors, one of whom was subsequently Governor, were marked with three exclamation points. It is certainly to be hoped that the Secretary could have said, "an enemy hath done this thing."

altering the name of Lorrin Lucas," "An act laying a tax on the lands in Concord," "An act laying a tax on the lands in Sutton," "An act laying a tax on the lands in the town of Topsham," and "An act concerning Highways," which were all severally read. *Ordered* to lie on the table. Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—The Governor and Council met agreeably to adjournment. The engrossed bill entitled "An act in addition to an act authorizing the Green Mountain Turnpike Company to resurvey and alter their road," which was laid on the table in the forenoon, was on motion of Hon. Mr. Sherman called up and again read, and *Resolved* to concur in passing said bill, and *Ordered* that the Secretary inform the house thereof.

*Recd.* from the House for concurrence in the reference the following, "Petition of John Beckwith in behalf of the Trustees of Lyndon Academy, praying that a part of the rents of Grammar School lands in said County may be granted said Trustees," with an order of reference thereon to the Judiciary Committee; Whereupon: *Resolved* to concur in said order of reference. And *Also* "An act to repeal an act therein mentioned," with an order of recommitment to the Judiciary Committee; Whereupon: *Resolved* to concur in said order.

The petitions of Geo. W. Drew, Hiram Eastman, Lucius Collins, John Hatch Ellis, Giles Hill, Jabez P. Holden, William C. Lee, Alonzo Quinn, Philip Tewksbury and Josiah Blanchard, which had before been called up & laid on the table, were again called up and all *Ordered* to be dismissed. Petition of Jonathan E. Love, praying for a pardon and restoration to legal privileges, was taken up and on the question "Shall a pardon be granted the said Jonathan E. Love?" it was determined in the affirmative. Yeas 9. Nays 0. Those who voted affirmatively were Messrs. Brainerd, Deming, Graves, Howe, Janes, Jenison, Leavenworth, Loveland, and Robinson. Petition of Horace Allen, praying for a pardon and restoration to his legal privileges, was taken up and the question "Shall the said Horace Allen have a pardon granted him?" it was decided in the affirmative. Yeas 10. Nays 0. Those who voted in the affirmative were Messrs. Brainerd, Deming, Graves, Howe, Janes, Jenison, Leavenworth, Loveland, Phelps & Robinson. Petition of Henry Canney [or Connay or Conery] for a pardon was taken up and on the question "Shall a pardon be granted said Henry Conery?" being put it was determined in the affirmative; Messrs. Brainerd, Deming, Graves, Howe, Janes, Jenison, Leavenworth, Loveland, Phelps & Robinson voting affirmatively. Adjourned to 9 o'clock tomorrow morning.

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TUESDAY, Oct<sup>r</sup> 30, 1832. 9 o'clock A. M.

The Governor and Council met agreeably to adjournment. *Recd.* from the House for concurrence in the reference "The account of the town of Plymouth against the State of Vermont, disallowed by the Auditor & presented the General Assembly," with an order of reference to the Committee of Claims; *Also* "An act in addition to an act entitled an act ascertaining the principles on which the Grand List of this State shall be made," with an order of reference to the Judiciary Committee; Whereupon: *Resolved* to concur in the aforesaid orders of reference.

The following engrossed bills, yesterday laid on the table, were severally called up and read and disposed of as follows: "An act in addition to an act relating to Jails and Jailers and for the relief of persons imprisoned therein, passed Nov<sup>r</sup> 5, 1799," which was read, Whereupon: *Resolved* to concur in passing said bill. "An act in explanation of and

in addition to an act therein mentioned," read, Whereupon : *Resolved* to concur in passing said bill. "An act compensating the Superintendent of the Vermont State prison," read, and *Resolved* to concur in passing said bill. "An act laying a tax on the lands in the town of Topsham," which was read ; Whereupon : *Resolved* to concur in passing said bill. "An act laying a tax on the lands in Sutton," read ; Whereupon : *Resolved* to concur in passing said bill. "An act laying a tax on the lands in Concord" read ; Whereupon : *Resolved* to concur in passing said bill. "An act altering the name of Lorrin Lucas," read, Whereupon : *Resolved* to concur in passing said bill. "An act laying a tax on the lands in Lemington," read, Whereupon : *Resolved* to concur in passing said bill. "An act directing the Treasurer to pay James Davis the sum therein mentioned," read, Whereupon : *Resolved* to concur in passing said bill. "An act annexing a part of the town of Salisbury to the town of Ripton," read, Whereupon : *Resolved* to concur in passing said bill. Also, "An act in addition to an act entitled an act to incorporate the President, Directors and Company of the Bank of Woodstock, passed Nov. 9, 1831," Whereupon : *Resolved* to concur in passing said bill, and *Ordered* that the Secretary inform the House of the concurrence of the Governor and Council in the eleven foregoing bills in the passage thereof. Also "An act concerning Highways," which was read, Whereupon : *Resolved* to concur in the passage of said bill, and *Ordered* that the Secy. inform &c.

The engrossed bill, yesterday laid on the table, entitled "An act annexing Savage Island to South Hero," was called [up] and the following proposals of amendment made, to wit, annex to the bill the following words : "Provided this act shall have no force or effect until the said towns of Grand Isle and South Hero shall have given their assent thereto in legal town meetings named for that purpose," which was adopted, & thereupon, *Resolved* to concur in passing said bill as amended, and Mr. Deming was appointed to assign the reasons for said amendment, who forthwith reported the following to wit, That it is inexpedient to alter the chartered limits of any township without the consent of such town, which were *accepted*, and *Ordered* that the Secretary inform the House of the passage of said bill as amended, & return the same with the reasons aforesaid.

Rec<sup>d</sup>. from the House the following, for concurrence in the reference, "An act repealing certain acts therein mentioned, and providing for a Report of the decisions of the Supreme Court of Judicature in Vermont," with an order of reference to the General Committee ; "An act establishing the permanent seat of the Legislature at Burlington," with an order of reference to the Committee raised on the State House question. Whereupon : *Resolved* to concur in said orders of reference.

Rec<sup>d</sup>. also "Petition of Lewis Miner, praying for relief in case of fine for selling Lottery Tickets," Whereupon : it is *ordered* that the same be dismissed & that the petitioner have leave to withdraw his petition. Petition of Samuel Harris praying to be restored to his legal privileges, was taken up and dismissed and *Ordered* that the petitioner have leave to withdraw his petition. On motion of Mr. Loveland, the vote taken on the 24<sup>th</sup> inst. dismissing the petition of Hiram Lee, a State prison Convict, was reconsidered and after due consideration was again *Ordered* to be dismissed. Petition of Benjamin T. Buell, a state prison convict, was called up, and while under consideration, the Governor and Council adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—The Governor and Council met agreeably to adjournment. Rec<sup>d</sup>. a message from the House of Representatives by Mr. Briggs, one of its members, informing that the House of Representatives

had assembled and were, on their part, ready to proceed to the election of a Senator—after which he withdrew. *Ordered* that the Secretary inform the House of Representatives that the Governor and Council were ready on their part to proceed to the election of a Senator. The Governor and Council proceeded to ballot for a person to represent this State in the Senate of the United States for the term of six years from and after the third day of March next, and the ballots having been taken, sorted and counted, *Benjamin Swift* had a majority of all the votes and was duly elected on the part of the Governor & Council. Rec<sup>d</sup>. a message from the House of Representatives by Mr. Brown, one of its members, informing that the House had, on their part, elected a person to represent this State in the Senate of the United States for the term of six years from and after the third day of March next, and that they are ready to meet the Governor and Council in the Representatives' room to compare the proceedings of the two Houses and complete said election. The Governor and Council proceeded to the Representatives' room and upon comparing the Journals of the proceedings of the two Houses, it appearing that both Houses had united in the election of Hon. Benjamin Swift, he was duly elected a Senator to represent this State in the Senate of the United States for the term of six years from and after the third day of March next, and proclamation thereof was made by the Sheriff of Washington County. The Governor and Council returned to their chamber.<sup>1</sup>

The House sent up for concurrence in the reference, "Petition of Moses Morrill and others praying that they may be discharged from the payment of certain notes due the State," with an order of reference to the Committee of Ways and Means. Whereupon: *Resolved* to concur in said reference. Also "Petition and memorial of James Milligan in behalf of the Covenanters, praying that the privilege of holding real estate may be granted them, without taking the oath of allegiance," with an order of reference to a committee of four members of the House to join from Council; Whereupon: *Resolved* to concur in said reference, and Mr. Deming appointed from Council.

The consideration of the petition of Benjamin T. Buell was resumed and the petition was *Ordered* to be dismissed. The petition of Smith Clark, a state prison convict, laid on the table on the 24<sup>th</sup> inst. was called up, and the question "Shall the said Smith Clark be discharged from State prison?" was put, and determined in the affirmative; Yeas 11. Nays 0. Those who voted in the affirmative were Messrs. Cobb, Deming, Graves, Howe, Janes, Jenison, Leavenworth, Loveland, Phelps, Robinson, and Sherman.

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<sup>1</sup> BENJAMIN SWIFT, sixth child and third son of Rev. Job Swift, D. D. was born at Amenia, N. Y., April 8, 1780, studied law in the famous law-school at Litchfield, Conn., commenced practice in Bennington, but in 1809 settled in St. Albans, where he resided until his sudden death, Nov. 11, 1847. He represented St. Albans in the General Assembly 1813, 1825 and '26; was Member of Congress 1827 until 1831, and U. S. Senator 1833 until 1839. Physically, mentally, and morally he was a large man. The late Hon. John Smith of St. Albans was a partner of Mr. Swift in business for seventeen years, and as Mr. Smith was Speaker of the House in 1832 it may be safely assumed that he was largely influential in Mr. Swift's election as Senator.—*Vermont Historical Magazine*, Vol. II, title "St. Albans"; and *Lanman's Dictionary of Congress*.

On motion of Mr. Howe the vote of this forenoon, concurring in the passage of the engrossed bill entitled "An act directing the Treasurer to pay James Davis the sum therein mentioned," was reconsidered and *Ordered* to lie on the table. Adjourned till tomorrow morning 9 o'clock.

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WEDNESDAY Oct<sup>r</sup> 31, 1832. 9 o'clock A. M.

The Governor and Council met agreeably to adjournment. The engrossed bill entitled "An act directing the Treasurer to pay Asa Aikens [Aiken] the sum therein mentioned," was called up, and on motion of Mr. Cobb the following proposals of amendment were made, to wit, Strike out the words "one hundred" and insert in lieu thereof "eighty"; Yeas 7. Nays 6. Those who voted in favor of the amendment are Messrs. His Honor Lieut. Governor, Mr. Brainerd, Cobb, Graves, Janes, Loveland, and Sherman. In the negative, Messrs. Deming, Howe, Jenison, Leavenworth, Phelps, and Robinson. Whereupon: *Resolved* to concur in the passage of said bill as amended, and Mr. Loveland was appointed to give the reasons therefor to the House.<sup>1</sup>

The engrossed bill entitled "An Act directing the Treasurer to pay James Davis the sum therein mentioned," which was yesterday laid on the table, was called up, and Mr. Howe offered the following proposals of amendment, to wit, Strike out the words "*thirteen hundred and seventy two dollars and thirty one cents,*" and insert in lieu thereof the words "*fourteen hundred and five dollars and sixty four cents,*" and after considerable discussion the motion was lost. Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—The Governor and Council met agreeably to adjournment. The memorial of Abel Gilson Jr. and others in the case of Avery T. Fay was called up and *ordered* to be dismissed. Petition of Ambrose Record Jr. laid on the table on the — inst. was called up and *Ordered* to be dismissed.

The engrossed bill entitled "An act directing the Treasurer to pay James Davis the sum therein mentioned," was called up, and *Resolved* not to concur in the passage of said bill; and Mr. Janes was appointed to report the reasons therefor, who reported the following: "It appears, by the statement of the Chairman of the Committee of Claims, who reported this bill, that one of the items of said Davis's charge was for 'sixty reams of paper,' charged at \$4.75 the ream, which was allowed; this is supposed to be too high a price for the paper, and much larger quantity than would be required for the five hundred copies of the Reports of the Supreme Court printed, and as it may be doing injustice to the parties interested to reduce the appropriation without a further hearing, and that cannot well be had without a recommitment." Which were adopted. Whereupon it is *ordered* that the Secretary return the bill together with the reasons to the House. Adjourned to 9 o'clock tomorrow.

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<sup>1</sup> The claim of Judge Aiken was for services in examining the question whether the grant of the town of Wheelock, to the President of Moor's Charity School and the Trustees of Dartmouth College, had been forfeited. For the report of Judge Aiken see printed *Assembly Journal* of 1832, pages 183 to 189.

THURSDAY November 1, 1832. 9 o'clock A. M.

The Governor & Council met agreeably to adjournment. The House sent up the following with an order of reference to the Judiciary Committee on each. "An act to authorize the Incorporation of Fire Companies," "An act for the relief of the Guardian of Daniel T. Aldrich, an insane person," and "An act relating to Highways"; Whereupon: *Resolved* to concur in the said several orders of reference.

*Recd.* Also the following resolution for concurrence in passing, "Resolved, the Governor and Council concurring herein, that the Judiciary Committee be instructed to inquire into the expediency of so altering the law in relation to poor debtors as to relieve towns from the support of poor persons committed to Jail on Execution issued on actions of trespass" &c. Read, & thereupon *Resolved* to concur in passing the same.

Also "An act to incorporate the Olympus Mineral Company," with an order of reference to the Committee on Manufactures. Also "Petition of Lewis Miner praying for the remission of a fine," with an order of reference to the Committee of Ways & Means. Also "An act in addition to an act therein mentioned," to the Committee on Roads & Canals; Whereupon: *Resolved* to concur in said orders of reference.

Hon. Mr. Robinson had leave of absence from and after to-day for the remainder of the session.

Benjamin Swan, Esquire, Treasurer, appeared in the Council Chamber and presented his official bond, which was approved by the Governor and Council, and he was duly sworn to the faithful execution of the duties of his office by His Excellency, the Governor. Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—The Governor & Council met agreeably to adjournment. *Recd.* from the House of Representatives for concurrence in the reference, "Petition of Select men of Holland for a land tax," with an order of recommitment thereon to the land tax Committee. Whereupon: *Resolved* to concur in said order.

*Recd.* Also the following resolution, for concurrence in passing, "Resolved, the Governor & Council concurring herein, that the Committee on Agriculture inquire whether any law is necessary, or would be expedient, to encourage or promote an improvement in the breed of cattle in this State, and report by bill or otherwise." Whereupon: *Resolved* to concur in passing said resolution.

On motion, the vote taken on the 27<sup>th</sup> inst. on the petition of John Sweat, a State prison convict, dismissing the same, was reconsidered, and the question "Shall the said John Sweat be discharged from State prison?" was put and determined in the affirmative; Yeas 9. Nays 4. Those who voted in the affirmative were Lieut. Governor, Messrs. Brainerd, Cobb, Graves, Leavenworth, Loveland, Phelps, Robinson, and Sherman. Those who voted in the negative are Messrs. Deming, Howe, Jaenes, and Jenison. Adjourned to 9 o'clock tomorrow morning.

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FRIDAY, Nov 2<sup>d</sup> 1832. 9 o'clock A. M.

The Governor and Council met pursuant to adjournment. *Recd.* from the House for concurrence in the reference "An act in explanation of an act entitled an act in addition to an act constituting Probate Courts and defining their powers and regulating the settlement of testate and intestate estates, and the guardianship of minors and insane persons, passed Nov. 8, 1831," with an order of reference to the Judiciary Committee. Also "An act directing the Treasurer to pay Samuel Page the sum therein mentioned," with an order of reference to the Committee of

Claims, and "An act directing the Treasurer to pay James Davis the sum therein mentioned," with the same order of reference. Also "An act to incorporate the Vermont Rail Road Company," with an order of reference to Committee of Roads & Canals. Also "An act for the relief of Jefferson Scott, Lemuel Scott, Wait Scott and Guy Kinsley," with an order of reference to the Committee of Ways & Means: "An act to incorporate the persons therein named by the name of the Norwich Aqueduct Company," with an order of reference to the Judiciary Committee; Whereupon: *Resolved* to concur in the said several orders of reference.

Rec<sup>d</sup>. the following, "Resolved, the Governor and Council concurring herein, that the General Committee be instructed to inquire into the expediency of passing a general law respecting the forming of Fire Companies in the State, and report by bill or otherwise." Whereupon: *Resolved* to concur in passing said resolution.

"Resolved, the Governor and Council concurring herein, that the Secretary of State be and he hereby is directed to furnish this House with an abstract in writing, showing the situation of the Vermont Reports, viz. the amount heretofore paid by the State for preparing and publishing said reports, the amount received from sales of the same, the No<sup>n</sup> on hand, in his office or elsewhere, stating where they are, and also any other information he may possess and think proper to communicate in order to enable the Legislature to Judge of the propriety of continuing the present mode of publishing these reports at the expense of the State"; Whereupon: *Resolved* to concur in passing said resolution, and *Ordered* that the Secretary inform the House thereof.

Rec<sup>d</sup>. for revision &<sup>c</sup> an engrossed bill entitled "An act relating to the conveyance of certain land," which was read; Whereupon: *Resolved* to concur in passing said bill. Rec<sup>d</sup>. for revision &<sup>c</sup> an engrossed bill entitled "An act appointing a Collector in the Town of West Fairlee," which was read, Whereupon: *Resolved* to concur in passing said bill. *Ordered* that the Secretary inform the House of the concurrence of the Governor and Council in the passage of the two aforesaid bills.

The petition of David Beardslee praying that a pardon may be granted him was taken up and the question "Shall a Pardon be granted said David Beardslee, & he restored to his legal privileges"? was put and determined in the affirmative. Yeas 7. Nays 5. Those who voted in the affirmative are The Lieut. Governor, Messrs. Brainerd, Graves, Janes, Leavenworth, Loveland Phelps. Those who voted in the negative are Messrs. Cobb, Deming, Howe, Jenison, and Sherman.

The Governor and Council proceeded to the Representatives' room, on an adjournment of the Joint Committee to appoint County officers, after which they returned to their chamber, and Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—The Governor and Council met agreeably to adjournment. The House sent up for concurrence in the reference "An act in addition to the several acts against disinterring the remains of the dead"; and also, "An act in addition to an act entitled an act directing petitions for ferries, turnpikes, roads, Canals and rail roads to be published," and "An act repealing an act therein mentioned," and "An act to provide for perambulating town lines," with an order of reference on each to the Judiciary Committee; Whereupon: *Resolved* to concur in said several orders of reference.

Rec<sup>d</sup>. also the following resolution, to wit, "Resolved, the Governor and Council concurring herein, that the Committee raised on the bill to authorize the erection of a State House at Montpelier, be instructed to inquire into the expediency of locating the State House in Waterbury, on condition that said town of Waterbury, [or] other individual persons,

will, in part, be at the expense of erecting said House in said Waterbury, and report by bill or otherwise." Whereupon : *Resolved* to concur in passing said resolution.

Rec<sup>d</sup>. also, "An act in addition to an act entitled an act incorporating the Rutland Cotton Manufacturing Company," with an order of reference thereon to the Committee on Manufactures. Also "An act for the relief of Samuel Austin," with an order of reference to the Committee of Ways and Means. Also "An act incorporating the Lamoille Academy in the village of Johnson," with an order of reference thereon to the Committee on Education ; Whereupon : *Resolved* to concur in said orders of reference. Hon. Mr. Deming introduced the following resolution, to wit,

IN COUNCIL, Nov. 24. 1832.

Whereas, by a concurrent resolution of both branches of the Legislature at the present session it was resolved *that both houses* go into County Conventions for the nomination of County officers on a day named in said resolution, and whereas, subsequently thereto, the House of Representatives, in their separate capacity, have resolved "that no other than the members of the House of Representatives are entitled to a vote or to a seat in any Convention for the nomination of County officers"; Wherefore : *Resolved* that this Council do hereby solemnly protest against the said resolution of the House of Representatives, as contrary to all former usage, and unwarranted by the Constitution of this State which provides for the appointments of County officers by the House of Representatives in conjunction with the Council; which was read, and the question "Shall the said resolution pass?" was put and determined in the affirmative: The Lieut. Governor, Messrs. Brainerd, Cobb, Deming, Graves, Howe, Jones, Jenison, Leavenworth, Loveland, Phelps and Sherman, all voting in the affirmative, being the whole Council, Mr. Robinson absent on leave. Whereupon : *Ordered* that the Secretary place the same on the records of the Council.<sup>1</sup> Adjourned to 9 o'clock tomorrow morning.

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<sup>1</sup> The Council was undoubtedly correct in this matter, though possibly the intention of the House was good. It almost uniformly happened that some county, having the Lieutenant Governor and also a Councilor, had a double representation in both the County Conventions and Joint Assembly. In 1832 Orange County had that advantage. It is possible that the division of parties was such that in that county the votes of the Lieutenant Governor and Councilor would give to some party the preponderance; and possibly the vote of the Councilor would have the same effect in one or more of the other counties, and so the House was induced to exclude the Lieutenant Governor and Councilors from the Conventions. The editor of these volumes, though an officer of the House in 1832, cannot recollect the particular occasion for this action of the House. Early in the session a joint resolution had been adopted by *both Houses* fixing the times when *both Houses* should meet in conventions to nominate county officers, and in joint committee to elect them; but on the 23d of October Samuel Austin of Tunbridge introduced a resolution declaring "that no other than the members of the House of Representatives composing the representation from the respective counties are entitled to a seat or to vote in any convention"



SATURDAY NOV. 3<sup>d</sup>. 1832. 9 o'clock A. M.

The Governor and Council met agreeable to adjournment. The House sent up for concurrence in the reference, to the Judiciary Committee, the following : "An act repealing part of an act therein mentioned." Rec<sup>d</sup>. also "An act relating to Highways," with an order of reference to the Committee on Roads and Canals, and "An act to repeal an act therein mentioned," with an order of reference to the same Committee. Rec<sup>d</sup>. Also "An act for the relief of James Campbell," with an order of reference on the same to the Committee raised on the petition of Isaac Leffingwell &c; Whereupon : *Resolved* to concur in the said several orders of reference.

Rec<sup>d</sup>. from the House for concurrence in passing the following : "Resolved, the Governor and Council concurring herein, that both Houses meet in the Representatives' room at 10 o'clock on Tuesday morning next for the purpose of electing Directors of the Vermont State Bank, and a Bank Inspector, for the year ensuing." Whereupon : *Resolved* to concur in passing said resolution. *Ordered* that the Secretary inform the House &c.

Rec<sup>d</sup>. for revision &c. an engrossed bill entitled "An act directing the Treasurer to pay James Davis the sum therein mentioned," which was read ; Whereupon : *Resolved* to concur in passing said bill. Rec<sup>d</sup>. also for revision &c. an engrossed Bill entitled "An act incorporating the Rutland Woollen Manufacturing Company," which was read ; Whereupon : *Resolved* to concur in passing said bill. Rec<sup>d</sup>. also for revision &c. an engrossed bill entitled "An act laying a Tax on the lands in Newport," which was read ; Whereupon : *Resolved* to concur in passing said bill. Rec<sup>d</sup>. also for revision &c. an engrossed bill entitled "An act to revive an act laying a tax on the lands in Waterville," which was read ; Whereupon : *Resolved* to concur in passing said bill. Rec<sup>d</sup>. also for revision &c. an engrossed bill entitled "An act in addition to and in explanation of an act entitled an act annexing a part of Mount Tabor in the County of Rutland to the town of Dorset in the County of Bennington, passed Nov. 17, 1825," which was read ; Whereupon : *Resolved* to concur in passing said bill. Rec<sup>d</sup>. also for revision &c. an engrossed bill entitled "An act to incorporate certain persons therein named by the name of the Lake Dunmore Glass Company," which was read ; Whereupon : *Resolved* to concur in passing said bill. Rec<sup>d</sup>. also for revision &c. an engrossed bill entitled "An act laying a tax on the lands in Barton," which was read ; Whereupon : *Resolved* to concur in passing said bill. Rec<sup>d</sup>. also for revision &c. an engrossed bill entitled "An act directing the Treasurer to pay John L. Chandler the sum therein mentioned," which was read ; Whereupon : *Resolved* to concur in passing said bill. Rec<sup>d</sup>. also for revision &c. an engrossed bill entitled "An act directing the Treasurer to pay the town of Plymouth the sum therein mentioned," which was read ; Whereupon : *Resolved* to concur in passing said bill. Rec<sup>d</sup>. also for revision &c. an engrossed bill entitled "An act to revive an act laying a tax on the lands in Sheldon," which was read ; Whereupon : *Resolved* to concur in passing said bill. Rec<sup>d</sup>. also for revision &c. an engrossed bill entitled "An act altering the name of Random," Which was read ; Whereupon : *Resolved* to concur in passing said bill.

&c.; which was adopted. In 1831 the House excluded the Lieutenant Governor, in 1832 both that officer and the Councillors, but in 1833-1835 the Councillors were restored to their ancient privilege. Jan. 6, 1836, by amendments to the constitution, a Senate was substituted for the Council, and Jan. 2, 1850, county officers were made elective by the people.

Rec<sup>d</sup>. also for revision &c. an engrossed bill entitled "An act to revive and amend an act entitled an act incorporating the Borough of Middlebury passed Nov. 5, 1816," which was read; Whereupon: *Resolved* to concur in passing said bill. *Ordered* that the Secretary inform the House of the concurrence of the Governor and Council in the passage of the afores<sup>d</sup>. twelve Bills.

The petition of Peter Gorrie, a state prison convict, which was on the table, was called up, and the question "Shall the said Peter Gorrie be discharged from State Prison on condition that he leave the state in 60 days?" was put and determined in the affirmative. Yeas 10. Nays 2. Those voting in the affirmative are Messrs. Brainerd, Cobb, Deming, Graves, Janes, Jenison, Leavenworth, Loveland, Phelps, Sherman; those voting in the negative are The Lieut. Governor, Mr. Howe.

Rec<sup>d</sup>. for revision &c. an engrossed bill entitled "An act extending the time and continuing in force for a limited period an act to incorporate the President, Directors and Company of the Bank of Brattleboro." which was read; Whereupon: *Resolved* to concur in passing said bill. *Ordered* that the Secretary inform the House of such concurrence. Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—The Governor and Council met agreeably to adjournment. Rec<sup>d</sup>. from the House "A Bill to incorporate the President, Directors and Company of Essex Bank," with an order of reference thereon to the Committee on Banks; Whereupon: *Resolved* to concur in said reference. Adjourned to 9 o'clock Monday Morning.

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MONDAY NOV. 5<sup>th</sup>, 1832.

The Governor and Council met agreeably to adjournment. Rec<sup>d</sup>. for revision &c. an engrossed bill entitled "An act appointing a collector in the town of Plymouth," which was read; Whereupon: *Resolved* to concur in passing said bill. Rec<sup>d</sup>. also for revision &c. an engrossed bill entitled "An act for the relief of Isaac Leffingwell," which was read; Whereupon: *Resolved* to non-concur in passing said bill. *Ordered* that the Secretary inform the House accordingly in both the above cases. Mr. Deming was appointed to assign the reasons for the non-concurrence in the last case; who forthwith reported the following: "1<sup>st</sup>. That it is not in the power of the Legislature to remit a fine and costs belonging to the County of Grand Isle, the said County having a vested right in the said Judgment. 2<sup>nd</sup>. If it were in the power of the Legislature to grant such remission it would be inexpedient in this case, inasmuch as a proper remedy is provided by an act entitled 'an act in relation to County Treasurers,' passed Nov. 3<sup>d</sup>. 1830." Which were adopted; and Thereupon: *Ordered*, that the Secretary return the bill, together with the reasons reported; to the House of Representatives & inform them of such non-concurrence. Adjourned to 2 o'clock this afternoon.

[2 O'CLOCK P. M.]—The Governor and Council met agreeably to adjournment. Rec<sup>d</sup>. from the House with an order of reference thereon to the Judiciary Committee, "An act to prevent fraudulent attachments." Also "An act in addition to an act ascertaining the principles on which the List of this State shall be made and directing Listers in their office and duty," with an order of reference thereon to the Committee of Ways and Means; Whereupon: *Resolved* to concur in said orders of reference.

Rec<sup>d</sup>. also the following resolution, "Resolved, the Governor and Council concurring herein, that both Houses meet in the Representatives' room on Tuesday morning next at 10 o'clock for the purpose of electing Commissioners of the deaf and dumb and also commissioners of

common schools"; Whereupon : *Resolved* to concur in passing said resolution. *Ordered* that the Secretary inform the House of such concurrence.

On motion of Mr. Deming, the vote taken yesterday passing the bill entitled "An act extending the time and continuing in force for a limited period an act to incorporate the President, Directors and Company of the Bank of Brattleboro" was *re-considered* & *Ordered* to lie on the table.

The engrossed bill entitled "An act incorporating the Vermont Literary and Scientific Institution at Braudon," which was laid on the table, was called up, and the following proposals of amendment were presented, to wit, add to the last section the words "Provided that any future Legislature may amend, alter or repeal this act," and the said proposals & the bill were *Ordered* to be laid on the table.

The engrossed bill entitled "An act to incorporate the Brattleboro' High School," which was on the table, was called up and the following proposals of amendment were offered, to wit, "Strike out the whole of the last section and add in lieu thereof the following words "Provided that any future Legislature may alter, amend or repeal this act"; which were adopted; Whereupon : *Resolved* to concur in passing this Bill as amended. *Ordered* that the Secretary inform the House accordingly.

Mr. Graves was appointed, by His Excellency, to supply the place, on the Land Tax Committee, of Mr. Robinson, who had leave of absence.

The House sent up for concurrence "An act to incorporate the Clinical School of Medicine at Woodstock," with an order of reference thereon to the Committee on Education. *Also* "An act laying a tax on the lands in Ferdinand," with an order of reference to the Land Tax Committee. *Also* "An act in alteration and amendment of an act therein mentioned," with an order of reference thereon to the Judiciary Committee. *Recd. also* "An act to provide for a vacancy in the office of Lieutenant Governor," with an order of reference thereon to the Judiciary Committee. Whereupon : *Resolved* to concur in the said several orders of reference. Adjourned to 9 o'clock tomorrow.

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TUESDAY, Nov. 6, 1832. 9 o'clock A. M.

The Governor and Council met agreeably to adjournment. *Recd.* for revision &c an engrossed bill entitled "An act directing the Treasurer of this State to pay John Robinson the sum therein mentioned," which was read, and *Ordered* to lie on the table.

*Recd.* for revision &c an engrossed bill entitled "An act providing for the settlement of the claims of Jonathan Hall and Samuel Patrick," which was read; Whereupon : *Resolved* to concur in passing said bill. *Recd.* for revision &c an engrossed bill entitled "An act laying a tax on the lands in Lowell," which was read; Whereupon : *Resolved* to concur in passing said bill. *Recd. also* for revision &c an engrossed bill entitled "An act incorporating the Inhabitants of the third school district in Windsor, for the purposes therein named," which was read; Whereupon : *Resolved* to concur in passing said bill. *Recd. also* for revision &c an engrossed bill entitled "An act relating to Pedlars," which was read; Whereupon : *Resolved* to concur in passing said bill. *Recd. also* for revision &c an engrossed bill entitled "An act for the relief of James Southard," which was read; Whereupon : *Resolved* to concur in passing said bill. *Recd. also* for revision &c an engrossed bill entitled "An act allowing to the town of Athens a further time to open and make a road," which was read; Whereupon : *Resolved* to concur in passing said bill.

Rec<sup>d</sup>. Also, for revision &c. an engrossed bill entitled "An act allowing Joseph Weeks of St. Albans further time to pay a debt due the State," which was read; Whereupon: *Resolved* to concur in passing said bill. *Ordered* that the Secretary inform the House of the concurrence of the Gov. and Council in the passage of the seven last mentioned bills.

Rec<sup>d</sup>. also for revision &c. an engrossed bill entitled "An act directing the Treasurer to pay Samuel Messenger the sum therein mentioned"; and while this was under consideration the Governor and Council proceeded to the Representatives' room agreeably to a joint resolution of both Houses, for the purpose of appointing Directors of the Vermont State Bank, Commissioners of Deaf & Dumb, Bank Inspector &c. after which they returned to their chamber, and adjourned to 2 o'clock P. M.<sup>1</sup>

2 O'CLOCK P. M.—The Governor and Council met agreeably to adjournment, and proceeded to the Representatives' room on an adjournment of the Joint Committee, and returned to their chamber;<sup>2</sup> resumed the consideration of the bill under consideration on the adjournment in the forenoon, and after some discussion [it] was *Ordered* to be laid on the table.

The engrossed bill entitled "An act incorporating the Vermont Scientific and Literary Institution at Brandon," which was laid on the table, was called up, and the question "Will the Governor and Council reconsider the vote taken yesterday adopting the amendment to this bill?" when the question and the bill were *Ordered* to lie on the table.

Rec<sup>d</sup>. for revision &c. an engrossed bill entitled "An act directing the Treasurer to pay John M<sup>c</sup>Duffie the sum therein mentioned," which was read; Whereupon: *Resolved* to non-concur in passing this bill; and Mr. Cobb was appointed to report the reasons therefor, who forthwith reported the following: "The Governor and Council are not apprised of any evidence tending to show that the said John M<sup>c</sup>Duffie was employed by the authority of this State, or by any person pretending to act under such authority, to perform the services composing this claim; but are informed that said M<sup>c</sup>Duffie was employed by an agent of the United States, and has received from the United States such sum for his services as is ordinarily allowed. And the Governor and Council are further informed, the Legislature, on the petition of said M<sup>c</sup>Duffie, at the session of 1829, refused to make an appropriation to pay for services of the nature of those contained in the said M<sup>c</sup>Duffie's charges, and that in the years 1830 and 1831 the Legislature refused to allow the present claim of the said M<sup>c</sup>Duffie;" which were adopted; Whereupon it was *Ordered* that the Secretary return said bill to the House together with the reasons aforesaid.<sup>3</sup>

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<sup>1</sup> The following elections were made: Benjamin Swan, John Phelps, and Augustus Young Directors of the Vermont State Bank; when the joint committee adjourned.

<sup>2</sup> The following elections were made: Azel Spalding Bank Inspector; John Smith, Wyllys Lyman, and Charles Linsley Commissioners of the Deaf and Dumb; and Benjamin F. Deming, Jacob Collamer, Samuel C. Loveland, William Page, and Zadock Thompson School Commissioners.

<sup>3</sup> It was true that Mr. M<sup>c</sup>Duffie was employed in a subordinate position, and did receive from the United States the pay for services in such a position only; but it was also true that he was employed in that position because of his intimate knowledge of the portion of the country

The engrossed bill entitled "An act extending the time and continuing in force for a limited period an act to incorporate the President, Directors & Company of the Bank of Brattleboro," which had been laid on the table, was called up, Whereupon : *Resolved* to concur in passing said bill. Yeas 9. Nays 2. Those voting affirmatively were Messrs. Brainerd, Cobb, Deming, Graves, Howe, Janes, Leavenworth, Phelps, & Sherman. In the negative Messrs. Jenison, and Loveland. *Ordered* that the Secretary inform the House. Adjourned to tomorrow morning 9 o'clock.

WEDNESDAY, Nov. 7, 1832. 9 o'clock A. M.

The Governor and Council met agreeably to adjournment. The House of Representatives sent up for concurrence in passing the following resolution, to wit, "Resolved, the Governor and Council concurring herein, that Benjamin F. Deming of Danville and George T. Hodges of Rutland be and hereby are appointed a committee to attend at the State prison, in the month of September next, to make an appraisal and inventory of all the property belonging to said Prison, and also to settle with the Superintendent, and investigate all the accounts of said Prison, and report to the next session of the Legislature," which was read : Whereupon : *Resolved* to concur in passing said resolution. *Ordered* that the Secretary inform the House of such concurrence.

The House sent up for concurrence in passing the following resolution, to wit, "Resolved, the Governor and Council concurring herein, that both Houses meet in the Representatives' room on Friday next at 6 o'clock A. M. for the purpose of adjourning the Legislature without day," which was read, and *Ordered* to lie on the table.

Rec<sup>d</sup> for revision &c an engrossed bill entitled "An [act] directing the Treasurer to pay Joseph Howes the sum therein mentioned," which was read ; Whereupon : *Resolved* to concur in passing said bill. Rec<sup>d</sup> for revision &c an engrossed bill entitled "An act directing the Treasurer to pay Orson Collins the sum therein mentioned," which was read ; Whereupon : *Resolved* to concur in passing said bill. *Ordered* that the Secretary inform the house of the concurrence of the Governor and Council in the passage of the two last mentioned bills.

The engrossed bill entitled "An act directing the Treasurer to pay Samuel Messinger the sum therein mentioned," which was yesterday laid on the table, was called up and again read, Whereupon : *Resolved* to concur in passing said bill. Rec<sup>d</sup> for revision &c an engrossed bill entitled "An act laying a tax on the lands in Random," which was read, and the following proposals of amendment offered, to wit, insert immediately before the word "Random," wherever it occurs, the words "Brighton late" ; which were adopted ; Whereupon : *Resolved* to concur in passing said bill as amended. Rec<sup>d</sup> also for revision &c an engrossed bill entitled "An act to incorporate the President, Directors and Company of the Bank of Manchester," which was read ; Whereupon : *Resolved* to concur in passing said bill. Yeas 7. Nays 4. Those voting in the affirmative are Messrs. Brainerd, Cobb, Graves, Howe, Leavenworth, Loveland, and Sherman. Those who voted in the negative were The Lieut. Governor, Messrs. Deming, Janes, and Jenison. Rec<sup>d</sup> also

to be surveyed for internal improvements, and that that knowledge M<sup>c</sup>Duffie's superior officer availed himself of. There was equity therefore in the claim, which was acknowledged, and the claim allowed, at a later day in the session of 1832.

for revision &c an engrossed bill entitled "An act to incorporate the Bank of Newbury," which was read; Whereupon: *Resolved* to concur in passing said bill. Yeas 7. Nays 4. Those who voted in the affirmative were Messrs. Brainerd, Cobb, Graves, Howe, Leavenworth, Loveland, and Sherman, those who voted in the negative were the Lieut. Governor, Messrs. Deming, Janes, and Jenison. *Ordered* that the Secretary inform the House of the concurrence in passing the four last mentioned bills. Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—The Governor and Council met agreeably to adjournment. The resolution, fixing on a time to adjourn the Legislature without day, which had been laid on the table in the forenoon, was called up, and *Resolved* to concur in passing said resolution. *Ordered* that the Secretary inform the House thereof.

Rec<sup>d</sup> for revision &c an engrossed bill entitled "An act incorporating the Vermont Scientific and Literary Institution at Brandon," and yesterday forenoon laid on the table, was called up and the following amendment was proposed (after having reconsidered the vote making the former amendment,) to wit, "Strike out the whole of the 7<sup>th</sup>, 8<sup>th</sup> & 9<sup>th</sup> lines of the first section, and the words "institution at Brandon in the County of Rutland," in the 10<sup>th</sup> line, also the words "which to the amount of five thousand dollars shall be freed from taxation," in the 22<sup>d</sup> and 23<sup>d</sup> lines of the first section; also the word "association" in the 3<sup>d</sup> line of the second section, and insert in lieu thereof the word "corporation," which was adopted; Whereupon: *Resolved* to concur in passing said bill as amended. Yeas 10. Nays 2. Those who voted in the affirmative were The Lieut. Governor, Messrs. Brainerd, Deming, Graves, Howe, Janes, Jenison, Leavenworth, Phelps, and Sherman. Those who voted in the negative were Messrs. Cobb, and Loveland. *Ordered* that the Secretary inform the House of such concurrence and amendment.

Rec<sup>d</sup> also for revision &c an engrossed bill entitled "An act to incorporate the President, Directors and Company of the Essex Bank," which was read; when the following proposals of amendment were offered, to wit, "Strike out the whole of the 28<sup>th</sup> section," which proposals were adopted; Whereupon: *Resolved* to concur in passing said bill as amended. Yeas 7. Nays 4. Those who voted in the affirmative were Messrs. Brainerd, Cobb, Graves, Howe, Leavenworth, Loveland, Phelps, and Sherman. Those who voted in the negative were The Lieut. Governor, Mr. Deming, Janes, & Jenison.

On motion of Mr. Deming, *Resolved* that when the Governor and Council adjourn they adjourn to seven o'clock this evening. Adjourned.

7 O'CLOCK P. M.—The Governor and Council met pursuant to adjournment. Rec<sup>d</sup> for revision &c an engrossed bill entitled "An act in addition to an act to incorporate the President, Directors and Company of the Bank of Orange County," which was read; Whereupon: *Resolved* to concur in passing said bill. Rec<sup>d</sup> also for revision &c an engrossed bill entitled "An act directing the Treasurer to credit Norman Harvey the sum therein mentioned," which was read; Whereupon: *Resolved* to concur in passing said bill. Rec<sup>d</sup> also for revision &c an engrossed bill entitled "An act to incorporate the persons therein named by the name of the Norwich Aqueduct Company," which was read; Whereupon: *Resolved* to concur in passing said bill. *Ordered* that the Secretary inform the House of the concurrence of the Governor and Council in the passage of the foregoing three last mentioned bills.

The House sent up for concurrence in passing the following resolution, to wit, "Resolved, the Governor and Council concurring herein, that both Houses meet in joint Committee on Thursday next at 10

o'clock, forenoon, for the purpose of electing a Brigadier General of the first Brigade and first division of the Militia of Vermont," which was read; Whereupon: *Resolved* to concur in passing said resolution. *Ordered* that the Secretary inform the House accordingly.

*Recd.* also for revision &c an engrossed bill entitled "An act in addition to an act entitled an act incorporating certain Turnpike Companies in the Western Counties in this State, passed Nov. 7, 1805," which was read; Whereupon: *Resolved* to concur in passing this bill. *Recd.* also for revision &c an engrossed bill entitled "An act laying a tax on the lands in Holland," which was read; Whereupon: *Resolved* to concur in passing this bill. *Recd.* also for revision &c an engrossed bill entitled "An act to repeal so much of an act as is therein mentioned, passed Nov. 2<sup>d</sup>. 1796," which was read; Whereupon: *Resolved* to concur in passing said bill. *Recd.* also for revision &c an engrossed bill entitled "An act in addition to an act entitled an act incorporating the Rutland Cotton Manufacturing Company," which was read; Whereupon: *Resolved* to concur in passing said bill. *Ordered* that the Secretary inform the House of the concurrence of the Governor and Council in the passage of the four last mentioned bills. Adjourned to 9 o'clock tomorrow A. M.

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THURSDAY Nov. 8, 1832. 9 o'clock A. M.

The Governor and Council met agreeably to adjournment. *Recd.* from the House the following resolution, "Resolved, the Governor and Council concurring herein, that our Senators in Congress be instructed, and our Representatives be requested, to sustain, by all proper measures, a division of the monies arising from the sale of the public lands, in accordance with the principles contained in the report made by Mr. Clay to the Senate of the United States at the last session of Congress." Which was read, & *Ordered* to be laid on the table.

*Recd.* for revision &c an engrossed bill entitled "An act directing the Treasurer to pay William B. Pratt the sum therein mentioned," which was read, and the question "Will the Governor & Council concur in passing said bill"? was put and determined in the affirmative. Yeas 7. Nays 4. Those who voted in the affirmative were Messrs. Brainerd, Deming, Graves, Howe, Loveland, Phelps, and Sherman. Those who voted in the negative are The Lieut. Governor, Messrs. Cobb, Jenison, Leavenworth.<sup>1</sup>

On motion of Mr. Howe, the vote taken last evening to concur in passing the Bill entitled "An act laying a tax on the Lands in Holland," was re-considered, and the following amendment proposed by Mr. Deming, to wit, "Strike out the name of "William Hall" wherever it occurs, and insert in lieu thereof the name of "Ezra Hinman," which amendment was adopted; Whereupon: *Resolved* to concur in passing said Bill as amended. *Recd.* for revision &c an engrossed Bill entitled "An act making appropriations for the support of government," which was read; Whereupon: *Resolved* to concur in passing said Bill. *Ordered* that the Secretary inform the House of the concurrence of the Governor & Council in the passage of the three last mentioned Bills.

*Recd.* for revision &c an engrossed Bill entitled "An act dividing the

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<sup>1</sup> While employed as master carpenter in erecting the eastern wing of the State Prison, Mr. Pratt was so severely injured by an accidental fall as to be partly disabled for life. The bill allowed the expenses of his sickness, and one dollar per day for loss of time—in all, \$313.

State into districts for electing Representatives to the Congress of the United States and directing the mode of their election," which was read; Whereupon: *Resolved* to concur in passing said bill. Rec<sup>d</sup> for revision &c an engrossed bill entitled "An act to incorporate the President, Directors & Company of the Bank of Orleans," which was read, and the following proposals of amendment were presented, to wit, Strike out the words "in such proportions as said Commissioners shall think proper," in the 17<sup>th</sup> and 18<sup>th</sup> lines of the 3<sup>d</sup> section, and insert in lieu thereof the following words, to wit, "And if, after reducing said subscriptions to the number of twenty shares each, there shall then remain more than the number of shares limited by this act, said Commissioners shall proceed to reduce each of said subscriptions, exceeding three shares, then remaining, in equal proportions as possible, reserving entire shares, until the whole number of shares shall not exceed twelve hundred," which were adopted; and the question "Will the Governor and Council concur in passing this bill as amended?" was then put and determined in the affirmative. Yeas 7. Nays 4. Those who voted in the affirmative were Messrs. Brainerd, Cobb, Graves, Howe, Loveland, Phelps, and Sherman. Those who voted in the negative were The Lieut. Governor, Messrs. Deming, Janes, and Jenison. *Ordered* that the Secretary inform the House of such concurrence and amendment.

Rec<sup>d</sup> also for revision &c an engrossed bill entitled "An act authorizing and directing the mode of forming fire Societies in this State," which was read; Whereupon: *Resolved* to concur in passing said Bill. Rec<sup>d</sup> also for revision &c an engrossed bill entitled "An act laying a tax on the lands in Sterling," which was read; Whereupon: *Resolved* to concur in passing said bill. Rec<sup>d</sup> also for revision &c an engrossed bill entitled "An act directing the Treasurer of this State to pay John Robinson the sum therein mentioned," which was read; Whereupon: *Resolved* to non-concur in passing this bill. Mr. Howe was appointed to assign reasons in writing for such non-concurrence, who reported the following, to wit: "The Legislature have constituted a board to decide upon claims of the character embraced in this Bill, under such restrictions as to the Legislature then appeared just and reasonable. And the Governor and Council assign as a further reason, that claims, to a large amount, of a similar character to the one upon which this bill is predicated, now exist in this State, and to enlarge the provisions of the law in this respect, would be impolitic," which were accepted; and it is hereby *Ordered* that the Secretary return said bill to the House together with the said reasons. And further *Ordered* that the Secretary inform the House of the concurrence of the Gov. and Council in the passage in [of] the three preceding bills.

Rec<sup>d</sup> for revision &c an engrossed bill entitled "An act for the relief of Daniel Staniford," which was read; Whereupon: *Resolved* to concur in passing said bill. Rec<sup>d</sup> also for revision &c an engrossed bill entitled "An act for the relief of Jefferson Scott, Lemuel Scott, Wait Scott and Guy Kinsley," which was read; Whereupon: *Resolved* to concur in passing said bill. Rec<sup>d</sup> also for revision &c an engrossed bill entitled "An act to repeal the first section of an act therein mentioned," which was read; Whereupon: *Resolved* to concur in passing said bill. Rec<sup>d</sup> also for revision &c an engrossed bill entitled "An act making provision for settling the concerns of the Vermont State Bank, and to repeal an act therein mentioned," which was read; Whereupon: *Resolved* to concur in passing said bill. Rec<sup>d</sup> also for revision &c an engrossed bill entitled "An act directing the Treasurer to pay Lewis Higbee the sum therein mentioned," which was read; Whereupon: *Resolved* to concur





in passing said bill. *Ordered* that the Secretary inform the House of the concurrence in passing the five last mentioned bills.

The Governor and Council proceeded to the Representatives' room on an adjournment of the Joint Committee, and returned to their chamber.<sup>1</sup>

*Recd*<sup>d</sup> for revision &c an engrossed bill entitled "An act incorporating the Lamoille Academy in Johnson," which was read; Whereupon: *Resolved* to concur in passing said bill.

*Recd*<sup>d</sup> also for revision &c an engrossed bill entitled "An act incorporating the Olympus Mineral Company," which was read; Whereupon: *Resolved* to concur in passing said bill. *Recd*<sup>d</sup> also for revision &c an engrossed bill entitled "An act to encourage the destruction of Foxes within this State," which was read; Whereupon, the following proposals of amendment were offered, to wit, "Add to the end of the bill the following words, "and the several towns in this State shall allow their Town Clerks such sum as may be reasonable for their services as required by this act," which were adopted; Whereupon: *Resolved* to concur in passing said bill as amended. *Ordered* that the Secretary inform the House of the concurrence of the Governor and Council in the passage of the *three* last mentioned bills. Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—The Governor and Council met agreeably to adjournment. The following engrossed bill, entitled "An act authorizing the building of a State House at Montpelier," which was laid on the table, was called up, and the following proposals of amendment were offered by Mr. Jenison, to wit, "That it shall be the duty of the Governor of this State to appoint three suitable persons as a committee to fix upon a place in the town of Montpelier for the erection of a State House, and to prepare a plan of said building, including the necessary offices and committee rooms for the accommodation of the Legislature, Treasurer of the State, Secretary of State, Clerk of the General Assembly and Engrossing Clerk, and to make an estimate of the expense of constructing said building of Granite, and also an estimate of the expense of building the same with brick. And it shall be the duty of said Committee to deliver a copy of said plan and estimates to the Clerk of the General Assembly on or before the second Thursday of October next." And the question "Will the Governor and Council adopt said proposals of amendment?" was put and determined in the negative. Those who voted in the affirmative were Messrs. Howe, Jenison, and Leavenworth. Those who voted in the negative were The Lieut. Gov., Messrs. Brainerd, Cobb, Deming, Graves, Janes, Loveland, Phelps, and Sherman. Yeas 3. Nays 9. So the proposals of amendment were rejected. Whereupon: the question "Will the Governor and Council concur in passing said bill?" was put and determined in the affirmative. Yeas 10. Nays 2. Those who voted in the affirmative were The Lieut. Governor, Messrs. Brainerd, Cobb, Deming, Graves, Howe, Janes, Loveland, Phelps, and Sherman. Those members of the Council voting in the negative were Messrs. Jenison, and Leavenworth. *Ordered* that the Secretary inform the House of such concurrence.

*Recd*<sup>d</sup> from the House for concurrence in passing the following resolution, to wit, "Resolved, the Governor and Council concurring herein, that both Houses meet in Joint Committee in the Representatives' room, at 4 o'clock this afternoon, for the purpose of choosing an Agent to settle the concerns of the Vermont State Bank, and a Bank Commissioner," which was read; Whereupon: *Resolved* to concur in passing said resolution. *Ordered* that the Secretary inform the House accordingly.

*Recd*<sup>d</sup> for revision &c an engrossed bill entitled "An act assessing a

<sup>1</sup> Elijah Bailey was elected Brigadier General.

tax for the support of Government," which was read ; Whereupon : *Resolved* to concur in passing said bill. Rec<sup>d</sup>. also for revision &c. an engrossed bill entitled an act in addition to an act against disturbing the remains of the dead," which was read ; Whereupon : *Resolved* to concur in passing said bill. *Ordered* that the Secretary inform the House of the concurrence of the Gov. & Council in the last mentioned acts.

The Governor and Council proceeded to the Representatives' room on the Joint Resolution of this afternoon—after which they returned to their chamber.<sup>1</sup>

Rec<sup>d</sup>. a message from the House of Representatives by Mr. Spaulding, one of its members, informing that the House had not concurred in adopting the amendment proposed to the bill entitled "An act laying a tax on the lands in Holland," and assigned the reasons of the House therefor. Whereupon : *Resolved* to recede from the vote taken to adopt the amendment ; and Thereupon : *Resolved* to concur in passing this bill. *Ordered* that the Secretary inform the House of such concurrence in passing said bill.

Rec<sup>d</sup>. for revision &c. the engrossed bill entitled "An act directing the Treasurer to pay John M<sup>c</sup>Duffie the sum therein mentioned," which was read ; Whereupon : after an explanation of the views of the House of Representatives, by Mr. Clarke of Danville, one of its members, for passing said bill, and again returning it to the Governor & Council, *Resolved* to concur in passing said bill. Rec<sup>d</sup>. also for revision &c. an engrossed bill entitled "An act to incorporate the Vermont Rail Road Company," which was read ; Whereupon : *Resolved* to concur in passing said bill. Rec<sup>d</sup>. also for revision &c. an engrossed bill entitled "An act to provide for removing obstructions in Nulhegau River," which was read ; Whereupon : *Resolved* to concur in passing said bill. Rec<sup>d</sup>. also for revision &c. an engrossed bill entitled "An act to discontinue a part of a Road in Troy," which was read ; Whereupon : *Resolved* to concur in passing said bill. *Ordered* that the Secretary inform the House of the concurrence of the Governor and Council in the passage of the four last mentioned bills. Adjourned to 7 o'clock this evening.

7 O'CLOCK P. M.—The Governor and Council met pursuant to adjournment. Rec<sup>d</sup>. for revision &c. an engrossed bill entitled "An act in addition to an act entitled an act for the support of common schools, passed Nov. 9, 1827," which was read ; Whereupon : *Resolved* to non-concur in passing said bill, and Mr. Deming was appointed to assign reasons therefor to the House.

The resolution "instructing our Senators" &c. which was laid on the table in the forenoon, was called up, read and *Resolved* to concur in passing the same. *Ordered* that the Secretary inform the House of the concurrence of Governor & Council in the case last mentioned.

Rec<sup>d</sup>. for revision &c. an engrossed bill entitled "An act in addition to, and in alteration of, the several acts regulating and governing the militia of this State," which was read, and the following proposals of amendment were made, to wit, insert the words "liable to do military duty" immediately after the word "minors" in the 7<sup>th</sup> and 4<sup>th</sup> section of the bill, which was adopted ; Whereupon : *Resolved* to concur in passing said bill [as amended.] *Ordered* that the Secretary inform the House thereof.

Rec<sup>d</sup>. for revision &c. an engrossed bill entitled "An act relating to

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<sup>1</sup> The following elections were made : George T. Hodges, Agent to settle the concerns of the Vermont State Bank ; and Harry Hale, Bank Commissioner.

Highways," which was read; Whereupon: *Resolved* to concur in passing said bill.

Received from the House for concurrence in passing the following resolution, to wit, "*Resolved*, the Governor and Council concurring herein, that the Governor be requested to open a correspondence with the Governor of Lower Canada, upon the subject of removing the obstructions at the outlet of Lake Champlain near St. Johns in the Province of Lower Canada," which was read; Whereupon: *Resolved* to concur in passing said resolution. *Ordered* that the Secretary inform the House in the two last cases mentioned.

Rec<sup>d</sup> from the House for concurrence in passing the following resolution, to wit, "*Resolved*, the Governor and Council concurring herein, that the Secretary of the Governor and Council be directed to distribute the copies of Scott's Military discipline, now in the State Library, in equal proportions among the respective officers of regiments in this State," which was read; Whereupon: *Resolved* to concur in passing said Resolution. *Ordered* that the Secretary inform the House accordingly.

Rec<sup>d</sup> for revision &c an engrossed bill entitled "An act in addition to an act passed November 18, 1824, entitled an act in addition to an act defining what shall be deemed and adjudged legal settlements, and for the support of the poor, for designating certain duties of the overseers of the poor, and for the punishment of idle and disorderly persons, passed March 3<sup>d</sup>. 1797,'" which was read; Whereupon: *Resolved* to concur in passing said bill. Rec<sup>d</sup> also for revision &c an engrossed bill entitled "An act to incorporate the Ascutney Manufacturing Company," which was read; Whereupon: *Resolved* to concur in passing said bill. *Ordered* that the Secretary inform the House of the concurrence of the Governor and Council in the passage of the two bills last mentioned.

Rec<sup>d</sup> also for revision &c an engrossed bill entitled "An act in addition to an act entitled an act in relation to imprisonment for debt, passed Nov. 8, 1830," which was read; when the following proposals of amendment were made, to wit, "At the end of the last section annex the following, to wit, "Sec. 3<sup>d</sup>. It is hereby further enacted, that if it shall be adjudged by the Court that the debtor is not entitled to the benefit of the oath prescribed by the act to which this is in addition, the said Court shall add to the cost taxed in the previous Judgment, the amount of the creditor's cost on such enquiry:"" which was adopted; and Thereupon: *Resolved* to concur in passing said bill as amended. *Ordered* that the Secretary inform the House of such concurrence and amendment.

Rec<sup>d</sup> also for revision &c an engrossed bill entitled "An act laying a tax on the lands in Ferdinand," which was read; Whereupon: *Resolved* to concur in passing said bill. *Ordered* that the Secretary inform the House thereof.

On motion of Mr. Howe, the vote taken to dismiss the petition of Ambrose Record Jr. praying to be released from the County Jail in Rutland, and for the remission of costs, was re-considered: and the question "Shall the prayer of the petitioner be granted?" was put and determined in the affirmative. Yeas 9. Nays 2. Those who voted in the affirmative were Messrs. Brainerd, Deming, Graves, Howe, Jones, Jenison, Leavenworth, Phelps, and Sherman. Those voting in the negative were Messrs. Cobb and Loveland.

Rec<sup>d</sup> for revision &c an engrossed bill entitled "An act in addition to the several acts regulating the limitation of actions," which was read; Whereupon: *Resolved* to non-concur in passing said bill; and Mr. Phelps was appointed to assign the reasons therefor to the House.

Rec<sup>d</sup> also for revision &c an engrossed bill entitled "An act explana-

tory of an act relating to Mills & Millers," which was read ; Whereupon, *Resolved* to concur in passing said bill. *Ordered* that the Secretary inform the House of the concurrence of the Governor and Council in the passage of the last mentioned bill.

Rec<sup>d</sup>. a written communication from the Speaker of the House of Representatives informing that the House had concurred in adopting the amendments of the Governor and Council to the following engrossed bills, to wit, "An act to incorporate the President, Directors and Company of the Bank of Essex ;" "An act in addition to and in alteration of the acts regulating and governing the Militia of this State," and also "An act in addition to an act entitled an act in relation to imprisonment for debt."

Rec<sup>d</sup>. for revision &c. an engrossed bill entitled "An act for the relief of Samuel Austin," which was read ; Whereupon : *Resolved* not to concur in passing said last mentioned bill, and Mr. Deming was appointed to assign the reasons therefor to the House.

The resolutions introduced into the House of Representatives by Mr. Barber of Middlebury on the 5th instant, instructing our representatives in Congress in relation to the Tariff, Internal Improvement, Bank of United States, &c. &c. (see journals of the House of the 5th inst.) were rec<sup>d</sup>. and read ; Whereupon : *Resolved* to concur in passing said Resolutions. *Ordered* that the Secretary inform the House thereof.<sup>1</sup>

The House returned the engrossed bill entitled "An act in addition to the several acts regulating the limitation of actions," they not having acceded to the vote of the Governor & Council non-concurring in said bill ; at which vote of the Governor and Council the yeas and nays being called for stood Yeas 4, Nays 6. Said bill having been taken under consideration, it was *Resolved* to concur in passing said bill. *Ordered*, that the Secretary inform the House accordingly.

The following appointments were made by the Governor and Council, to wit, Joseph Howes to be inspector of public buildings. Ferrand F. Merrill to be Librarian.

The Governor and Council appointed Rev<sup>d</sup>. Tilton Eastman, Rev<sup>d</sup>. Chester Wright, and Hon. Mr. Janes commissioners, under the third section of an act entitled "An act in addition to and in amendment of the several acts for the purpose of founding the University of Vermont," passed Oct. 30, 1828. Adjourned to 6 o'clock tomorrow morning.

#### FRIDAY Nov. 9, 1832. 6 o'clock A. M.

The Governor and Council met agreeably to adjournment.

Rec<sup>d</sup>. a message from the House of Representatives by Mr. Hammond, one of its members, informing that the House had on their part completed the business of the session, and were ready to meet the Governor and Council for the purpose of adjourning the Legislature without day. *Ordered* that the Secretary inform the House of Representatives that the Governor and Council will immediately attend in the Representatives' room for the purpose of adjourning the Legislature without day.

The Governor & Council proceeded to the Representatives' room on an adjournment of the Joint Committee for the election of County officers, after which the Committee dissolved.

Agreeably to the joint resolution of both Houses, the Governor and Council attended in the Representatives' room, and after prayer by the Chaplain, the Sheriff of Washington County, by direction of the Governor, adjourned the Legislature without day. The Governor and Council returned to their chamber and adjourned without day.

<sup>1</sup> See Appendix D.

STATE OF VERMONT ss.—The foregoing from Page 416 to page 505 inclusive [of manuscript Council Journal, Vol. 11.] is a true journal of the proceedings of the Governor and Council at their annual session in the year 1832.

GEO. B. MANSER, *Secretary.*

| DEBENTURE<br>OF THE<br>LIEUTENANT GOVERNOR AND COUNCIL<br>1832. | No. of Miles<br>Travel. | Amount of<br>Travel. | No. of Days<br>Attendance. | Amount of<br>Attendance. | Debenture. |
|---|-------------------------|----------------------|----------------------------|--------------------------|------------|
| Lt Governor Egerton   | 24                      | 2.88                 | 30                         | \$ 120.00                | \$ 122.88  |
| Mr. Brainerd  | 60                      | 7.20                 | 30                         | 45.00                    | 52.20      |
| " Cobb  | 32                      | 3.84                 | 30                         | 45.00                    | 48.84      |
| " Deming  | 30                      | 3.60                 | 30                         | 45.00                    | 48.60      |
| " Graves  | 48                      | 5.76                 | 30                         | 45.00                    | 50.76      |
| " Howe  | 100                     | 12.00                | 30                         | 45.00                    | 57.00      |
| " Janes   | 12                      | 1.44                 | 30                         | 45.00                    | 46.44      |
| " Jenison   | 82                      | 9.84                 | 28                         | 42.00                    | 51.84      |
| " Leavenworth   | 36                      | 4.32                 | 30                         | 45.00                    | 49.32      |
| " Loveland  | 60                      | 7.20                 | 30                         | 45.00                    | 52.20      |
| " Phelps  | 110                     | 13.20                | 30                         | 45.00                    | 58.20      |
| " Robinson  | 53                      | 6.36                 | 23                         | 34.50                    | 40.86      |
| " Sherman   | 136                     | 16.32                | 28                         | 42.00                    | 58.32      |
| Sheriff Keith   | 1                       | 12                   | 30                         | 45.00                    | 45.12      |
| Deputy  | 12                      | 1.44                 | 30                         | 45.00                    | 46.44      |
| Librarian   | 1                       | 12                   | 30                         | 45.00                    | 45.12      |
| John S. Pettibone   | 120                     | 14.40                | 2                          | 3.00                     | 17.40      |
|   |                         |                      |                            |                          | \$699.74   |

The above was rec<sup>d</sup> of the Treasurer by the Sheriff of Washington County and by him paid over to the members of the Council &c.

His Excellency the Governor was pleased to appoint James Davis Esq. Agent to prepare and publish the Reports of the Supreme Court, under the act of 29<sup>th</sup> October 1829, authorizing such appointment.

# FIFTY-SEVENTH COUNCIL.

OCTOBER 1833 TO OCTOBER 1834.

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**WILLIAM A. PALMER**, Danville, *Governor*.

**LEBBEUS EGERTON**, Randolph, *Lieut. Governor*.

## *Councillors:*

**HENRY F. JANES**, Waterbury,

**ZIMRI HOWE**, Castleton,

**DANIEL COBB**, Strafford,

**JASPER ROBINSON**, Brownington,

**SAMUEL C. LOVELAND**, Reading,

**JOSEPH H. BRAINERD**, St. Albans,

**RICHARDSON GRAVES**, Concord,

**ISAAC SHERMAN**, Sandgate,

**SILAS H. JENISON**, Shoreham.

**AUSTIN BIRCHARD**, Newfane,

**WILLIAM A. GRISWOLD**, Burling-  
ton,

**GEORGE C. CAHOON**, Lyndon.

**GEO. B. MANSER**, Williston, *Secretary*.

**MILTON BROWN**, Worcester, *Sheriff*.

**FERRAND F. MERRILL**, Montpelier, to Oct. 12, }

**HARRISON B. PAGE**, Montpelier, from Oct. 12, } *Librarians.*

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## BIOGRAPHICAL NOTICES.

**AUSTIN BIRCHARD** was born in Wilmington, Dec. 5, 1793. The son of a farmer, his early summers were spent on the farm, and his winters in the district school, of which in due time he became a teacher. In the store of Samuel Clark of Brattleborough, who was a worthy Councillor, legislator and judge, Mr. Birchard was fitted for business as a merchant, in which he was honorably and successfully engaged until late in life. He settled in Newfane in 1822, and there resided until his death, Sept. 13, 1879, in his eighty-sixth year. Of his four sons, the youngest died in the infamous rebel prison at Andersonville, Georgia, and one of his two daughters was killed in the late lamentable railroad accident at Ashtabula, Ohio. His sister Sophia was mother of President Rutherford Birchard Hayes. Though unfortunately afflicted with deafness to such a degree as to make it laborious to discharge his duties as member of a deliberative body, Mr. Birchard nevertheless served as Councillor in 1833

and '34, member of the Council of Censors in 1841, and of the State Senate in 1846. He was a friend to internal improvements, a cheerful contributor for benevolent and religious purposes, and strongly opposed to slavery, and to secret societies of every sort. For a portrait of Mr. Birchard, and a more detailed biography, see *History of the Town of Newfane*.

WILLIAM A. GRISWOLD was born in New Marlborough, Mass., Sept. 15, 1775, and when he was about ten years old he removed to Bennington with his father. He was graduated at Dartmouth College, studied law in the office of Chief Justice Jonathan Robinson of Bennington, married Mary Follett in 1798, and at about that time commenced business as an attorney at Danville. He was State's Attorney for Caledonia County 1803 until 1813, and 1815 until 1820. He represented Danville in the General Assembly 1807 until 1811, 1813 until 1818, and again 1819. He was Speaker of the Assembly 1815 until 1818, and again 1819. He was delegate for Danville in the Constitutional Convention of 1814. In 1821 he was appointed U. S. Attorney for the District of Vermont, and removed to Burlington, holding that office until 1829. He represented Burlington in the Assembly of 1841, was one of the Council of Censors 1827. Presidential Elector in 1812 and 1836, and Councillor 1833 and '34. Few men in the State have been so long in office as Mr. Griswold, a fact due to his genial temperament, readiness in debate, and fidelity in the discharge of his duties. Outliving his wife and all of his children but one, he died at Burlington in 1845, aged seventy years. See Vol. VI, p. 213, note <sup>2</sup>. See also *Vt. Historical Magazine*, pages 618 to 623, for an elaborate article on the subject of this notice.

GEORGE CLINTON CAHOON was graduated at the University of Vermont in 1820, studied law at Montpelier, where he married the only daughter of Hon. Nicholas Baylies, and entered upon the profession of the law at Danville in 1823, but removed to Lyndon in 1826, where he resided until his death, Feb. 1, 1879, aged eighty years. He was Register of Probate for the Caledonia District 1823 until 1826; State's Attorney for Caledonia County 1835 until 1838, also 1847; Representative of Lyndon in the General Assembly in 1835, and Delegate in the Constitutional Conventions of 1836 and 1843; Councillor in 1833 and '34, and State Senator in 1843 and '44.—*Walton's Vermont Register*; and *Vt. Historical Magazine*, Vol. I, title "Lyndon."

## RECORD OF THE GOVERNOR AND COUNCIL

AT THE

SESSION WITH THE GENERAL ASSEMBLY AT MONTPELIER, OCTOBER 1833.

STATE OF VERMONT ss.—A journal of the proceedings of the Governor and Council of the State of Vermont, at their session begun & holden at Montpelier, on the second Thursday of October, (being the tenth day,) in the year of our LORD one thousand eight hundred and thirty-three, and of the Independence of the United States the fifty-seventh: Present

His Excellency William A. Palmer, Governor,  
His Honor Lebbeus Egerton, Lieut. Governor,  
The Hon. Jasper Robinson,  
“ “ Joseph H. Brainerd,  
“ “ Henry F. Janes,  
“ “ Silas H. Jenison,  
“ “ Daniel Cobb,  
“ “ Richardson Graves,  
“ “ Zimri Howe, &  
“ “ Samuel C. Loveland, Councillors.

A message was received from the House of Representatives by Mr. Briggs, one of its members, informing that the House had organized by electing Hon. John Smith, of St. Albans, Speaker, pro tempore, and Robert Pierpoint, Clerk pro tempore, and were ready to receive any communication which the Governor and Council might make. *Ordered* that the Secretary inform the House of Representatives that the Governor and a quorum of the Council are assembled in the Council Chamber, and are ready to proceed to business.

A message was rec<sup>d</sup>. from the House of Representatives by Mr. Kitredge, one of its members, informing that the House had appointed, on their part, a canvassing committee, to join such committee as may be appointed by the Governor & Council, to receive, sort and count the votes for Governor, Lieut. Governor, Treasurer, & Councillors. Whereupon: *Resolved* that the Governor & Council will now proceed to the appointment of such committee, on their part, and Mr. Jenison, Janes and Cobb were appointed and duly sworn to the faithful discharge of their duty, and it was *Ordered* that the Secretary inform the House of Representatives of such appointment. Adjourned to 4 o'clock P. M.<sup>1</sup>

4 o'clock P. M. — The Governor & Council met agreeably to adjournment. A message was rec<sup>d</sup>. from the House of Representatives by Mr. Foot, one of its members, informing that the House are now ready to receive the report of the Canvassing Committee, and requesting the attendance of the Governor & Council in the Representatives' room. *Ordered* that the Secretary inform the House of Representatives that the Governor & Council will immediately attend in the Representatives' room to hear the report of the Canvassing Committee.

<sup>1</sup> The election sermon was preached by Rev. Tobias Spicer.



The Governor & Council attended in the Representatives' room, when the following report was made, to wit:

"To the Hon. General Assembly now sitting:—The joint committee appointed to receive, sort & count the votes for Governor, Lieutenant Governor, Treasurer, and Councillors, respectfully Report, That they have attended to the business of their appointment and that the votes returned for Governor are as follows:

|                        |        |
|------------------------|--------|
| For William A. Palmer, | 20,565 |
| " Ezra Meech,          | 15,683 |
| " Horatio Seymour,     | 1,765  |
| " John Roberts,        | 772    |
| Scattering,            | 120    |

Your Committee therefore report that the freemen have elected William A. Palmer Governor for the year ensuing.

Your Committee further report that the votes returned for Lieutenant Governor are as follows:

|                       |        |
|-----------------------|--------|
| For Lebbeus Egerton,  | 20,185 |
| " Jedediah H. Harris, | 18,725 |
| Scattering            | 27     |

Your Committee therefore report that the freemen have elected Lebbeus Egerton Lieutenant Governor for the year ensuing.

Your Committee further report that the votes returned for Treasurer are as follows:

|                       |        |
|-----------------------|--------|
| For Augustine Clarke, | 19,661 |
| " Benjamin Swan,      | 19,056 |
| Scattering            | 7      |

Your Committee therefore report that the freemen have elected Augustine Clarke Treasurer for the year ensuing.

Your Committee further report that William A. Griswold, Henry F. Janes, Austin Birchard, Isaac Sherman, Silas H. Jenison, Daniel Cobb, Samuel C. Loveland, George C. Cahoon, Zimri Howe, Joseph H. Brainerd, Jasper Robinson, and Richardson Graves are elected Councillors for the year ensuing.

HENRY F. JANES, *Chairman.*

Montpelier, Oct<sup>r</sup> 10, 1833.

E. N. BRIGGS, *Clerk.*"

The Governor & Council then returned to their Chamber.

His Honor the Lieut. Governor took & subscribed the oath of office in due form. Messrs. Robinson, Brainerd, Graves, Cobb, Loveland, Howe, & Janes took and subscribed the oath of office before his Honor the Lieut. Governor. Adjourned to 9 o'clock tomorrow morning.

#### FRIDAY Oct<sup>r</sup> 11, 1833. 9 o'clock A. M.

The Governor and Council met agreeably to adjournment. The following gentlemen, who had been elected Councillors for the year ensuing, appeared in the Council Chamber. took and subscribed the oath of office before His Honor the Lt Governor, to wit, Messrs. Cahoon, Birchard, & Jenison. Adjourned to 2 o'clock P. M.

2 O'CLOCK, P. M.—Lt Governor and Council met agreeably to adjournment. The House sent up for concurrence in passing the following resolution, "Resolved, the Governor & Council concurring herein, that whenever the two Houses meet in joint Committee, the Governor, or in his absence the Lt Governor, shall be Chairman, and the Secretary of State, or in his absence the Secretary of the Governor & Council, shall be Clerk of s<sup>d</sup>. Committee." Which was read. Whereupon, *Resolved* to concur in passing. Also, "Resolved, the Governor & Council concurring herein, that both Houses meet in joint Committee, in the Represen-

tatives' room, this afternoon at 3 o'clock, for the purpose of electing a Chaplain of the General Assembly for the present session." Read, and Thereupon *Resolved* to concur in passing this resolution. *Ordered* that the Sec. inform the House of the concurrence in the two last resolutions.

Hon. William A. Griswold, who had been elected one of the Council for the year ensuing, appeared in the Council Chamber, and took and subscribed the oath of office before His Honor the L<sup>t</sup> Governor.

The Governor & Council attended in the Representatives' room, for the election of a Chaplain of the General Assembly for the year ensuing, after which they returned to their Chamber.<sup>1</sup>

The following resolution was introduced by Hon. Mr. Howe, "Resolved, by the Gov. & Council, the House of Representatives concurring herein, that the Judiciary Committee be instructed to enquire into the expediency of extending the provisions of the 28<sup>th</sup> section of the act entitled 'an act regulating town meetings & the choice of town officers' to all warrants, notifications or other writings of notice required by Law to be posted up at places other than on the public sign posts," which was read, and Thereupon *Resolved* to refer the same.<sup>2</sup>

The Governor & Council were pleased to appoint Harrison B. Page, of Montpelier, Librarian for the ensuing year.

Rec<sup>d</sup> from the House of Representatives, for concurrence in the reference, the following, "An act to repeal an act therein mentioned." Whereupon: *Resolved* to concur in the reference. Adjourned to 9 o'clock tomorrow morning.

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SATURDAY Oct<sup>r</sup> 12, 1833. 9 o'clock A. M.

Governor & Council met agreeably to adjournment. *Ordered* that the Secretary inform the House of Representatives that His Excellency will make his annual communication, before both Houses, in the Representatives' room, at eleven o'clock this morning.

Hon. Augustine Clarke, who had been elected Treasurer for the year ensuing, appeared in the Council Chamber, presented his official bond, which was approved, and the oath of office was administered by & subscribed before His Honor the L<sup>t</sup> Governor.

A message was rec<sup>d</sup> from the House of Representatives by Mr. Carpenter of Highgate, one of its members, informing that the House had organized by choosing Hon. John Smith [of St. Albans,] Speaker, Timothy Merrill Esq. Secretary of State, Robert Pierpoint Esq. Clerk, & Oramel H. Smith Esq. Engrossing Clerk, and were ready to receive any communications they might be pleased to make, after which he withdrew.

His Excellency the Governor appeared in the Council Chamber & took & subscribed the oath of office before Hon. Nicholas Baylies, one of the Judges of the Supreme Court.

His Excellency was pleased to appoint Geo. B. Manser, of Williston, Secretary of the Governor & Council for the year ensuing, who was duly sworn to the faithful execution of the duties of his office by Hon. Mr. Cobb. *Ordered* that the Sec. inform the House of Representatives that the L<sup>t</sup> Governor & Council will immediately attend in the Representatives' room to receive the message of His Excellency the Governor.

The L<sup>t</sup> Governor, attended by the Council, proceeded to the Repre-

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<sup>1</sup> Rev. Tobias Spicer was elected.

<sup>2</sup> This singular entry means doubtless that the resolution was adopted and sent to the House for concurrence, for such was the fact.

sentatives' room, when His Excellency, by his Secretary, communicated the following message.<sup>1</sup> The L<sup>t</sup> Gov. & Council returned to their Chamber and Adjourned to 2 o'clock P. M.

2 o'clock P. M.—Governor and Council met pursuant to adjournment. Rec<sup>d</sup>. from the House of Representatives, for concurrence in the reference, the following, "An act repealing part of an act therein mentioned," Whereupon: *Resolved* to concur in referring the same to the Committee on Education. Also rec<sup>d</sup>. "An act in addition to an act entitled an act to provide for the support of common schools," for concurrence in the reference to the Committee on Education; Whereupon, *Resolved* to concur in the reference. Adjourned to 9 o'clock A. M. on Monday next.

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MONDAY Oct<sup>r</sup> 14, 1833. 9 o'clock A. M.

Governor and Council met agreeably to adjournment. The House sent up, for concurrence in the reference, the following, "A Bill to incorporate a Bank at Brandon," with an order of the House thereon that the same be referred to the Committee on Banks, Whereupon, *Resolved* to concur in said order of reference. Also, The petition of Asa Smith & 28 others for a land tax on Mount Tabor, with an order of the House thereon that it be referred to the Land Tax Committee—Whereupon: *Resolved* to concur in said order of reference. Also, "The petition of the Selectmen of Kirby for a Land Tax," with an order of reference thereon to the Land Tax Committee, Whereupon: *Resolved* to concur in said order of reference. Also rec<sup>d</sup>. the following, with an order of reference on each to the Committee on Education: "Petition of Truman Squier & others praying for the repeal of certain laws relating to the practice of Physic & Surgery"; "Petition of Jabez Proctor & others praying for the incorporation of a Literary Society in Proctorsville"; "Petition of John Beckwith & others in behalf of the Trustees of Lyndon Academy, praying that a part of the rents of Grammar School lands in s<sup>d</sup> County may be granted said Trustees"; Whereupon: *Resolved* to concur in each of said orders of reference. The House sent up for concurrence in the reference to the Committee on Manufactures, the following, "An act to incorporate the Springfield Manufacturing Company"; Whereupon: *Resolved* to concur in s<sup>d</sup>. order of reference.

The House sent up, for concurrence in passing, the following resolution, to wit, "*Resolved*, the Gov. & Council concurring herein, that the Committee on Education be instructed to inquire into the expediency of a purchase, by the State, of that part of the capital stock of the several Banks which the State is entitled to purchase by the charters of s<sup>d</sup>. Banks, to be invested in a fund for the benefit of common schools," Which was read, Whereupon: *Resolved* to concur in passing said resolution, and *Ordered* that the Secretary notify the House accordingly.

Rec<sup>d</sup>. also from the House the following, "An act for the relief of Phineas Stearnes & others," with an order of reference thereon to the Committee of Ways & Means, Whereupon: *Resolved* to concur in said order of reference. Also, the following with an order of reference thereon to the General Committee, "*Resolved*, the Governor & Council concurring herein, that the General Committee be directed to enquire into the expediency of providing by law for perambulating & marking the town lines of the several towns in this State," Whereupon: *Resolved* to concur in passing said resolution. "Memorial of Joseph Hough, Chairman of the Executive Committee of Addison County Temperance Society,

<sup>1</sup> For message see *Appendix A*.

praying for the repeal of all laws authorizing the sale of ardent spirits by small measure." "An act to authorize the incorporation of fire companies." Whereupon: *Resolved* to concur in said orders of reference.

Received from the House of Representatives the following, for concurrence in the reference, to wit, "Petition of John Marsh & others for a Bank at Perkinsville in the town of Weathersfield," with an order of reference on the same to the Committee on Banks; "An act to incorporate the President, Directors and Company of the Bank of P'oultney," with an order of reference to the Com. on Banks; "An act to incorporate the President, Directors & Co. of the [Bank] of Orwell," with the same order of reference. "Petition of Enos Canfield praying for the grant of a Turnpike," "Petition of Luther Newcomb & others for a Rail Road from Vergennes to Bristol," "Petition of John Wright & others for a Rail Road or Turnpike through Pownal," "Petition of the inhabitants of Vergennes for a Rail Road," "An act in addition to an act directing petitions for ferries, turnpikes, roads, canals, & railroads to be published," with an order of reference thereon to the Committee on Roads & Canals. "An act concerning corporations," "An act in addition to an act entitled 'an act directing the proceedings against the Trustees of concealed or absconding debtors.'" "An act relating to the competency of witnesses." "Petition & memorial of James Milligan in behalf of the covenanters, praying that the privilege of holding real estate may be granted them without taking the oath of allegiance." "An act in addition to an act therein mentioned." "An act to repeal an act therein mentioned." "An act relating to Jails & Jailers & persons imprisoned therein." "Petition of Jesse White & others, praying that the land in the town of Goshen, granted to the first settled minister, may be appropriated to the use of schools." "An act in addition to & in alteration of an act entitled 'an act constituting the Supreme Court of Judicature & County Courts, defining their powers & regulating judicial proceedings,' passed Nov. 18, 1824." "An act in addition to and in explanation of an act entitled 'an act constituting Probate Courts & defining their powers, & regulating the settlement of testate and intestate estates and the guardianship of minors & insane persons.'" "An act for the establishment of County Law Libraries." "An act appropriating the minister rights of land in the town of Ripton to the use of Schools." "An act in addition to an act entitled 'an act for the support of common schools,' passed Nov. 9, 1827." "An act in addition to an act establishing permanent salaries, and for regulating certain taxable costs," with an order of reference on each of the fourteen foregoing; Whereupon: *Resolved* to concur in the aforesaid orders of reference.

The House sent up the following, for concurrence in the reference, to wit, "Memorial of Joel Doolittle praying for remuneration on account of extra services as Judge of the Supreme Court." "Petition of James Dwyer and Adolphus Paul." "An act directing the Treasurer of this State to pay John Robinson the sum therein mentioned." "An act directing the Treasurer of this State to pay Araunah Waterman the sum therein mentioned." "An act directing the Treasurer to pay Samuel P. Booth the sum therein mentioned." "An act directing the Treasurer of this State to pay David Harrington the sum therein mentioned." "An act directing the Treasurer of this State to pay Alba Davidson the sum therein mentioned." "Petition of Tappan Stevens." "An act directing the Treasurer of this State to pay Nahum Jenison the sum therein mentioned," with an order of reference on each to the Committee of Claims; Whereupon: *Resolved* to concur in said orders of reference.

The petitions of Zachariah Arlin, Wright Arlin, Aaron T. Allen, John Aitkin, Benjamin T. Buell, Thomas Barnes, Chester Baker, Ebenezer

Brown, Anson Bevins, Samuel S. Badger, Harrison Brown, Stephen Corliss, George Cooper. Antoine Chabone, Joseph Clarke, George S. Darling, Joseph Davis, William R. Ellis, Morris Emery, Curtis A. Fargo, John Gray, Robert Gray, Abraham Gates, Joseph Gardner, David Gilman, John Hatch Ellis, Giles Hill, Jabez P. Holden, Elisha Hyde, Chester Hodgson, Parker Howard, David Hedges, John Keyes, Paul Lucius, Hazeltine Maxson, William Murgatroy, Elizabeth Niles, James Nutting, Horace Phelps, Stephen Robbins, John Ryan, Lyman Sears, Jonathan Sargeant, William Towsley, William Taylor, Elihu S. Wrisley, and Ethan A. Wheeler, convicts in the State Prison, were severally taken up and *Ordered* to be dismissed. Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—Governor and Council [met] agreeably to adjournment. Rec<sup>d</sup>. from the House the following, for concurrence in the reference, to wit, "An act for the relief of the President of Moor's Charity School, and the Trustees of Dartmouth College"; "An act in addition to an act entitled 'an act for the punishment of certain inferior crimes and misdemeanors'"; "An act in addition to an act defining the powers of Justices of the Peace"; "An act authorizing magistrates out of office to issue executions in certain cases"; "Petition of Samuel Mason & 377 others, praying that the law in relation to the competency of witnesses may be altered," with an order of reference on each to the Judiciary Committee. Whereupon: *Resolved* to concur in said several orders of reference.

"Petition of John Wright & others praying for the incorporation of a Bank at Norwich," with an order of reference thereon to the Committee on Banks; Whereupon: *Resolved* to concur in said order.

Rec<sup>d</sup>. also, for concurrence in passing, from the House, the following resolution, to wit, "Resolved the Governor & Council concurring herein, that the General Committee be instructed to enquire into the expediency of so altering the law, that persons attending as Jurors before Justices of the Peace be allowed fifty cents per day for attendance & four cents per mile each way for travelling," which was read, Whereupon: *Resolved* to concur in passing.

"Petition of Moses Parmerlee & others praying that the present system of granting licenses for the sale of ardent spirits may be abolished, or that towns may be authorized to make regulations on the subject"; "Petition of George Caldwell & others praying that an act may be passed prohibiting the taking of fish in Lake Champlain"; "Petition of William N. Blake & others praying that an act may be passed prohibiting the taking of fish in the borders of Lake Champlain & tributary streams," with an order of reference of the House, on each, to the General Committee. Petition of George Hill & others, for the organization of a Band of Music," with an order of reference thereon to the Committee on Military Affairs. Petition of Daniel Brown praying for remuneration for expenses in apprehending & bringing to justice a Felon, the claim not coming within the provisions of any general act," with an order of reference thereon to the Committee of Claims. "Petition of the Rutland & Stockbridge Turnpike Company praying for an alteration in their road," with an order of reference to the Committee on Roads & Canals. "Petition of Oliver Gallup & his associates praying for an act incorporating the Clinical School at Woodstock," with an order of reference thereon to the Committee on Education. "Petition of the Selectmen of Berkshire praying for a land tax on said town," & "Petition of John Dodge & others for a land tax on Guildhall," & "An act laying a tax on the lands in the town of Bakersfield," with an order of reference on each to the Land Tax Committee. Whereupon: *Resolved* to concur in s<sup>d</sup>. several orders.

"An act for the support of the Poor in the County of Windham," with an order of reference thereon to a committee of all the members of the House from s<sup>d</sup> County, to join from Council; Whereupon: *Resolved* to concur in s<sup>d</sup> order of reference & Mr. Birchard was appoin<sup>d</sup> from Council.

Rec<sup>d</sup>. from the House, for concurrence in the reference, the following, "An act directing the Treasurer of this State to credit the collector of State taxes for the town of Salisbury the sum therein mentioned," with an order of reference thereon to the Committee of Ways & Means; Whereupon: *Resolved* to concur in said order of reference.

Rec<sup>d</sup>. from the House, for concurrence in passing, the following resolution, to wit, "Resolved, the Governor & Council concurring herein, that so much of the Governor's message as relates to the subject of the Militia be referred to the Committee on Military affairs." Which was read, Whereupon: *Resolved* to concur in passing the same. Rec<sup>d</sup>. also the following resolutions for concurrence in passing, to wit, "Resolved, the Governor & Council concurring herein, that so much of the Governor's message as relates to the subject of the State House be referred to a select committee of four members of the House, to join from Council," which was read & Thereupon *Resolved* to concur in passing, and Mr. Jones was appointed from Council. "Resolved, the Governor & Council concurring herein, that the Committee on Military affairs be instructed to inquire whether any, and if any, what alterations ought to be made in the Militia Laws of this State, relating to the collection of fines, & report by bill or otherwise." Also "Resolved, the Governor & Council concurring herein, that so much of the Governor's message as relates to the subject of the Judiciary be referred to the Judiciary Committee." And also the following, "Resolved, the Governor & Council concurring herein, that the Judiciary Committee be instructed to inquire into the expediency of passing a law authorizing the Supreme & County Courts in this State to establish, preserve, and enforce rules, orders & regulations in the proceedings of s<sup>d</sup> Courts respectively, while in session, & to punish by fine, imprisonment, or suspension from the privileges of practicing in such Court, any wilful violation or disobedience of such established rules, orders & regulations, or for contempt of such Court; said Committee either to report by bill or otherwise." And "Resolved, the Governor & Council concurring herein, that so much of the Governor's message as relates to the subject of Education be referred to the Committee on Education," which resolutions were severally read: Whereupon: *Resolved* to concur in the passage of each of said resolutions.

The House sent up for concurrence in passing the following resolution, to wit, "Resolved, the Governor & Council concurring herein, that so much of the Governor's message as relates to the subject of oaths be referred to the select committee raised on the bill to prohibit the administration of extra judicial oaths"; which was read & Thereupon: *Resolved* to concur in passing. And "Resolved, the Governor & Council concurring herein, that so much of the Governor's message as relates to Imprisonment for debt be referred to the Committee on Insolvency." Read, Whereupon *Resolved* to concur in passing.

Rec<sup>d</sup>. also, for concurrence in passing, the following resolution, to wit, "*Resolved*, the Governor & Council concurring herein, that both Houses meet in the Representatives' room on Thursday next at two o'clock P. M. to elect the Judges of the Supreme Court for the year ensuing." Which was read, Whereupon: *Resolved* to concur in passing said resolution, and *Ordered* that the Secretary inform the House accordingly.

The House sent up, for revision and concurrence or proposals of amendment, the following engrossed bill entitled "An act directing the

Treasurer to pay Tobias Spicer the sum therein mentioned," which being read, it was Thereupon *Resolved* to concur in passing s<sup>d</sup>. Bill with the following proposals of amendment, to wit, Strike out the word "fifty" and insert in lieu thereof "thirty," and Mr. Griswold was appointed to prepare reasons in writing for such amendment, who forthwith reported the following, to wit, 1<sup>st</sup>. That the compensation is much larger than has been heretofore paid to persons appointed to preach the Election Sermon, or to those who have officiated as Chaplains to the General Assembly. 2<sup>nd</sup>. It is believed by the Council that no precedent can be found where a greater sum has been allowed in such cases than the actual travel of such person, to and from their place of residence to the place of holding the session of the Legislature, and the per diem allowance at the rate of one dollar and fifty cents during the time of their attendance,— and that, although cases have occurred when persons performing like services have resided and travelled out of this State. The Council are not aware that any additional compensation has been allowed, than the actual travel & the per diem allowance.

W<sup>m</sup>. A. GRISWOLD, for the Council.

Which were adopted. *Ordered* that the Secretary return said bill, with the reasons aforesaid, to the House of Representatives.

The petition of Elias Trask, a convict in the State prison, was taken up, and the question put, "Shall the said Elias Trask be discharged from the State prison?" and determined in the affirmative. Yeas 7. Nays 3. Those who voted in the affirmative were Messrs. Birchard, Brainerd, Graves, Griswold, Janes, Loveland, and Robinson. Those in the negative were Messrs. Cobb, Howe, and Jenison.

The House sent up, for concurrence in the reference, the following, to wit, "The petition of Seymour Sellick & others praying that the existing laws may be so altered as to prohibit hawking & peddling in this State," and "The petition of Willard Martin & others praying for an alteration in the Laws relative to hawking & peddling," with an order of reference on each to the Committee to be raised on the petition of E. G. Drake & others: Whereupon, *Resolved* to concur in said orders of reference. Also rec<sup>d</sup>. "An act to incorporate the President, Directors & Co. of the Farmers & Mechanics Bank of Burlington," and "The petition of John Meacham & others praying for the incorporation of a Bank at Castleton," with an order of reference on each to the Committee on Banks, Whereupon: *Resolved* to concur in said orders of reference. "Petition of Isaac Norton & others for a Bank at Orwell," with an order of reference thereon to the Com. on Banks, Whereupon: *Resolved* to concur in said order. "Petition of John C. Page praying for a Tax on Westmore," & "The petition of the Selectmen of Belvidere for a land tax on said Town," & "The petition of Luther Martin & others praying for a land tax on Avery's Gore," and also "The petition of Ephraim Moore & others praying that a further time may be allowed for making a road in the town of Plymouth," with an order of reference on each to the Land Tax Committee; Whereupon: *Resolved* to concur in said several orders of reference.

Rec<sup>d</sup>. also, "The petition of Samuel E. Ingram praying for the remission of a fine & costs & that he may be released from imprisonment," & "The petition of John Lamphere, praying for the remission of a fine and costs," and "The petition of H. E. G. McLaughlin & others, praying that a sum due from Richard H. Little to the State may be remitted," and "The petition of Allen T. Beach praying for the remission of a debt due the State," and "The petition of Philip Bemiss Jr. & others praying that a sum due the State may be remitted him," with an order of refer-

ence on each to the Com. of Ways and Means. Whereupon: *Resolved* to concur in said several orders of reference.

Rec<sup>d</sup> also, "The petition of Norman Cleveland praying that an act may be passed releasing him from imprisonment in the State Prison, and granting him a pardon," with an order of reference thereon to a select committee of four members of the House, with a request to join from the Council; Whereupon: *Resolved* to concur in said order of reference, and Mr. Jenison was appointed from the Council.

Also "The petition of Samuel Swift & E. D. Barber, praying for a tax on the County of Addison for the purpose of building a new jail," with an order of reference thereon to the members of the House from Addison County, with a request to join &c. Whereupon: *Resolved* to concur in said order of reference, & Mr. Jenison was appointed from Council.

Also "The Report of the Committee appointed to prepare a plan for a new State House," with an order of reference thereon to the Committee raised on that part of the Governor's message relating to the State House, Whereupon: *Resolved* to concur in said order of reference, & Mr. Janes was appointed from the Council to join such Committee on that subject as the House might raise.<sup>1</sup>

Rec<sup>d</sup> from the House for concurrence in the reference "The petition of John Leonard & others, praying that a part of Bethel might be annexed to Stockbridge," with an order of reference thereon to a Committee of three members of the House, to join from Council, Whereupon: *Resolved* to concur in said order of reference, & Mr. Loveland was appointed from the Council.

Rec<sup>d</sup> from the House for concurrence in passing the following resolution, to wit, "Resolved, the Governor & Council concurring herein, that the General Committee be instructed to enquire into the expediency of so altering the Listing act that all wild or unimproved lands within this State be appraised at their just value and set in the list to the owners or proprietors thereof in the towns where the land lies," which was read, Whereupon: *Resolved* to concur in passing said resolution. Also, *Resolved*, the Governor & Council concurring herein, that the General Committee be instructed to inquire into the expediency of placing manufactured & unmanufactured lumber in the Grand List, for taxation, to the owners thereof & in the towns where they reside"—which was read, Whereupon: *Resolved* to concur in passing said resolution.

Also "the petition of Jairus Hall & others, praying that a law may be passed prohibiting the taking of fish in Ray Pond in Wilmington," and "The petition of Timothy Burton & others praying that a certain piece of land in the town of Windham may be exempt from taxation," and "The petition of Henry Smith & others praying for an alteration of the act incorporating the village of Brattleboro," with an order of reference on each to the General Committee, Whereupon, *Resolved* to concur in the said several orders of reference.

Rec<sup>d</sup> also "The petition of John & Patrick Corbly to be permitted to hold & convey real estate in Vermont," with an order of reference to the Judiciary Committee, Whereupon, *Resolved* to concur in said order.

Mr. Birchard introduced the following resolution, to wit, "*Resolved*, by the Governor & Council, the House of Representatives concurring herein, that the Judiciary Committee be instructed to inquire into the expediency of so amending the law defining the duties of County Treasurers in this State, that when any County Treasury may have therein considerable sums of money over & above what may be necessary for

<sup>1</sup> For this report, which was substantially adopted in the construction of the second State-House in Montpelier, see *Appendix E*.



the current expenses of said County, it shall be the duty of the Treasurer of s<sup>d</sup> County to loan out all such monies at interest, & he shall become accountable for such interest; and report by bill or otherwise." Which was read, Whereupon: *Resolved* to pass s<sup>d</sup> resolution.

The petition of John Hazeltine, a convict in the State Prison, was taken up, & after some discussion, was *Ordered* to lie on the Table.

Rec<sup>d</sup> from the House of Representatives a communication in writing, informing that the following joint Standing Committees had been appointed by the Speaker of the House of Representatives, to wit, A committee of four, denominated the Committee of Ways & Means. A committee of four, denominated the Committee on Military Affairs. A committee of four, denominated the Judiciary Committee. A committee of four, denominated the Committee of Claims. A committee of four, denominated the Com. on Roads & Canals. A committee of four, denominated the Committee on Banks. A committee of four, denominated the Com. of Insolvency. A committee of four, denominated the Com. of Manufactures. A committee of four, denominated the Com. of Agriculture. A committee of four, denominated the Com. on Education. A committee of four, denominated the Land Tax Committee. A committee of thirteen, denominated the General Committee. A committee of four, denominated the Com. on Alteration of Names; with a request that the Governor & Council would join, on their part, in said appointment. Whereupon: *Resolved* to concur [join] in the appointment of said committees. Adjourned to 9 o'clock tomorrow morning.

#### TUESDAY Oct<sup>r</sup> 15, 1833. 9 o'clock A. M.

The Governor & Council met agreeably to adjournment. Rec<sup>d</sup> from the House, for concurrence in passing, the following resolution, to wit, "Resolved, the Governor & Council concurring herein, that both Houses will meet, in joint committee, in the Representatives' room on Thursday next at 10 o'clock forenoon, for the purpose of electing county officers"; which was read, and *Ordered* to lie on the table.

The following gentlemen of the Council were appointed on the several joint Standing Committees, to wit, On the Committee of Ways & Means, Mr. Janes. On the Committee on Military Affairs, His Honor L<sup>t</sup> Gov. Egerton. On the Judiciary Committee, Mr. Griswold. On the Committee of Claims, Mr. Howe. On the Com. on Roads & Canals, Mr. Cobb. On the Com. on Banks, Mr. Jenison. On the Com. on Insolvency, Mr. Jenison. On the Com. on Manufactures, Mr. Cahoon. On the Com. on Agriculture, Mr. Graves. On the Land Tax Committee, Mr. Robinson. On the Com. on Education, Mr. Brainerd. On the General Committee, Mr. Loveland. On the Com. on Alteration of names, Mr. Birchard.

Petition of Nathan Bean, a convict in the State prison, was taken up and *Ordered* to be dismissed.

The House sent up for concurrence in passing the following resolution, to wit, "Resolved, the Governor & Council concurring herein, that both Houses meet in joint Committee, in the Representatives' room, at 2 o'clock this afternoon, for the purpose of electing a Chaplain for the remainder of the session," which was read, Whereupon: *Resolved* to concur in passing said resolution, and *Ordered* that the Secretary inform the House accordingly.

Rec<sup>d</sup> also, "the petition of E. G. Drake & others praying that the existing laws may be so altered as to prohibit hawking & peddling in this State," with an order of reference thereon to a select committee of one member from each County in the House, with a request for the Gover-

nor & Council to join in such appointment; Whereupon: *Resolved* to concur in said order, and Messrs. Jenison, Cobb, & Cahoon were appointed from Council. Rec<sup>d</sup>. also "The petition of Windham County Temperance Society, praying that the law in relation to granting licenses for the sale of ardent spirits may be altered," with an order of reference thereon to a select committee of one member from each County. with a request to join from Council; Whereupon: *Resolved* to concur in s<sup>d</sup>. appointment & reference & Messrs. Loveland, Birchard & Brainerd were appointed.

The petitions of William Gould, Anthony Gonio, & Aaron Gary, convicts in the State prison, were severally taken up, & *Ordered* to be dismissed. The petition of Josiah Blanchard, a State prison convict, was taken up, and the question being put "Shall the said Josiah Blanchard be discharged?" it was determined in the affirmative. Yeas 9. Nays 2. Those who voted in the affirmative were His Honor Lt. Governor Egerton, Messrs. Brainerd, Cahoon, Cobb, Graves, Griswold, Janes, Jenison, and Loveland; those who voted in the negative were Messrs. Howe, & Robinson. The petitions of William C. Lee, Lucius Hill, & John Haseltine were severally taken up and *Ordered* to lie on the table. The petitions of Hiram Lee, Johnson Logan, Hammond Langworthy, Stephen Prentiss, Philip Shepherd Jr., Philip Tewksbury, William Utter & Salmon Whitlock, state prison convicts, were severally taken up & *Ordered* to be dismissed. The petition of Peter Rosenbury, a state prison convict, was [taken up] and the question being put "Shall the said Peter Rosenbury be discharged?" it was determined in the affirmative. Yeas 10. Nays 1. Those who voted in the affirmative were Messrs. Birchard, Brainerd, Cahoon, Cobb, Graves, Griswold, Janes, Jenison, Loveland & Robinson; in the negative Mr. Howe.

On motion of Mr. Cahoon, it was *Resolved*, to rescind the vote taken to concur in the resolution fixing upon a time to meet in joint Committee to elect a Chaplain for the remainder of the session, & the said resolution was *Ordered* to lie on the table. Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—The Governor & Council met agreeably to adjournment. Rec<sup>d</sup>. from the House for concurrence in passing the following resolution, to wit, "Resolved, the Governor & Council concurring herein, that so much of the act relating to common schools as makes it the duty of towns, at their annual March meetings, to appoint superintending committees, passed Oct<sup>r</sup>. 1827, be repealed," with an order of reference thereon to the Com. on Education. Also "An act to revive an act entitled an act laying a tax on the lands in Lemington, passed Nov. 1, A. D. 1832," with an order of reference to the Land Tax Committee—Whereupon: *Resolved* to concur in said several orders of reference.

Rec<sup>d</sup>. also for concurrence in passing the following resolution, to wit, *Resolved*, the Governor & Council concurring herein, that the Committee of Ways & Means be requested to inquire into the expediency of so altering the Listers' law that the Poll tax shall be abolished altogether," Whereupon: *Resolved* to concur in passing said resolution. Also "*Resolved*, the Governor & Council concurring herein, that the Committee raised on so much of his Excellency's speech as relates to the State House be instructed to inquire into & make report to the General Assembly the probable amount of the sum that the State will be called upon to pay in erecting & finishing the State House according to the plan submitted to the General Assembly by the Committee appointed by His Excellency the Governor, with appendages connected therewith, including the site for the same," which was read, Whereupon, *Resolved* to concur in passing the same.

Also, "An act to compel the attendance of witnesses in certain cases,"

and "The petition of the Selectmen of Eden, praying that an act may be passed directing certain records of deeds to be transcribed, and declaring them to be legal evidence," with an order of reference to the Judiciary Committee on each, Whereupon: *Resolved* to concur in said several orders of reference.

Rec<sup>d</sup>. also, "The petition of John Munroe & Wm. Henry praying for the repeal of the act taxing foreign bank stock, passed Nov. 9, A. D. 1831," with an order of reference to the Com. on Banks. Also, "The petition of Joseph Gleason & others for a tax on Maidstone," and Rec<sup>d</sup>. also, "An act laying a tax on the lands in Westmore," with an order of reference to the Land Tax Committee, and Also, "The petition of Elihu DeForrest praying for a remuneration for services in pursuing & apprehending a felon," with an order of reference thereon to the Committee of Claims, and "The petition of the Selectmen of Stratton, praying that an act may be passed establishing the line between said Stratton and Sunderland," with an order of reference thereon to the General Com. And "The petition of M. I. Doolittle & others praying for an alteration of the law authorizing listers to tax persons for their faculty," with an order of reference thereon to the Com. of Ways & Means, and "The petition of Worthington Smith & others, praying for an alteration of the existing laws in relation to granting licenses for the sale of ardent spirits," and this with an order of reference to Com. on Windham Co. Temp. Soc., And "The petition of James Wilds & others praying that the existing laws may be so altered as to prohibit hawking and peddling in this State," with an order of reference thereon to the Committee raised on the petition of E. G. Drake—And also, the following with an order of reference on each to the Committee raised on the petition of E. G. Drake, to wit, "The petition of George Lane & others praying for an alteration in the Law granting licenses to hawkers & peddlers," And "The remonstrance of Ansel C. Babbitt & others praying for an alteration in the Law relative to granting licenses to hawkers and peddlers," and "The petition of Stephen White and others praying for an alteration of the Laws granting licenses to hawkers & pedlers," and "The petition of L. B. Hunt & others praying that the laws may be so altered as to prohibit hawking & peddling in this State," and "The petition of Francis A. Munson & others praying for an alteration in the existing laws relative to hawking & peddling," also "The petition of N. W. Kingman & others praying that the present laws in relation to hawking & peddling in this State may be altered," also "The petition of Russell Fitch & others praying for an alteration of the Laws relating to hawking & peddling." Rec<sup>d</sup>. also "The petition of Eli Colby & others praying for an alteration of the law granting licenses to hawkers & pedlers," also "The petition of Philip Martin & others praying for an alteration in the law granting licenses to hawkers & pedlers," also "The petition of James D. Butler & others praying that the laws in relation to granting licenses to pedlers may be altered," And also "The petition of Samuel Dutton & others praying for an alteration of the law granting licenses to hawkers & pedlers," Whereupon *Resolved* to concur in the said several orders of reference.

The petition of John W. Johnson, a State prison convict, was called up, and *Ordered* to lie on the table.

The following resolution, introduced by Mr. Griswold, "*Resolved*, that the Secretary be directed to furnish to the Governor, Lt Governor, & each member of the Council such number of newspapers, printed in the village of Montpelier, during the present session of the Legislature, as such person or persons may direct, provided it do not exceed three weekly newspapers for each person," was read, and *Resolved* to adopt the same. Adjourned to 9 o'clock tomorrow morning.

WEDNESDAY, Oct<sup>r</sup> 16, 1833. 9 o'clock A. M.

The Governor & Council met agreeably to adjournment. The resolution appointing a time for both Houses to meet in joint committee to elect a Chaplain &c. which was yesterday laid on the table, was called up, & the following proposals of amendment offered, to wit, Strike out the words "at 2 o'clock this afternoon," & insert in lieu thereof the words "on Wednesday the 16<sup>th</sup> inst. at 10 o'clock forenoon," Whereupon : *Resolved* to concur in passing said resolution as amended. *Ordered* that the Secretary inform the House accordingly.

The resolution fixing a time for both Houses to meet to elect County officers, &c. was called up, and the following proposals of amendment offered, to wit, Strike out all after the first line & insert in lieu thereof the following, "That both Houses meet in County Conventions on Wednesday the 16. Oct<sup>r</sup> inst. at 3 o'clock P. M. for the purpose of making nominations of County officers, & that they meet in joint committee in the Representatives' room on Thursday next at 10 o'clock A. M. for the purpose of electing such officers," which were read & adopted, Whereupon : *Resolved* to concur in passing said resolution as amended. *Ordered* that the Secretary inform the House accordingly.<sup>1</sup>

Rec<sup>d</sup> a written communication from the Speaker of the House of Representatives, informing that the House had concurred in passing the resolution for the election of a Chaplain &c. as amended by the Council. The Governor & Council proceeded to the Representatives' room on the business of said resolution, after which they returned to their Chamber and adjourned to 2 o'clock P. M.<sup>2</sup>

2 O'CLOCK P. M.—L<sup>t</sup> Governor & Council met, pursuant to adjournment, His Honor the L<sup>t</sup> Governor in the Chair, and Adjourned to 9 o'clock tomorrow morning.

THURSDAY Oct<sup>r</sup> 17, 1833. 9 o'clock A. M.

The Governor & Council met agreeably to adjournment. Rec<sup>d</sup> from the House of Representatives the following resolutions for concurrence in passing, to wit, "Resolved, the Governor & Council concurring herein, that the Judiciary Committee be instructed to inquire into the expediency of so altering the law relating to imprisonment for debt that any person having money received or receivable, on account of a pension from the General Government, shall not thereby be barred the privileges of the poor debtor's oath; & report by bill or otherwise." And "Resolved that the Judiciary Committee be instructed to inquire into the expediency of passing an act to allow, or exclude, the days of grace on bills of exchange & promissory notes & report the same by bill or otherwise." And also "Resolved, the Governor & Council concurring herein, that the Committee on Military Affairs be instructed to inquire into the expediency of collecting the Muskets belonging to the State (now distributed among the towns) & depositing them in the State Arsenal," and "Resolved, the Governor & Council concurring herein, that [the] Committee on Military Affairs be instructed to inquire into the expediency of altering the law regulating and governing the Militia of this State so that the brigade & regimental Staff, in the several brigades & regiments in this State,

<sup>1</sup>This was the ancient form, and of course was a protest of the Governor and Council against the then recent innovations of the House in this matter.

<sup>2</sup>Rev. Chester Wright was elected Chaplain.

may be appointed other than from the line of officers in such brigades & regiments, and to report by bill or otherwise." Which were severally read, Whereupon: *Resolved* to concur in passing said several resolutions.

Rec<sup>d</sup>. also for concurrence in the reference, from the House, the following, to wit, "An act incorporating the Ascutney Mill Dam Company," with an order of reference thereon to the Com. on Roads & Canals. Also "An act in addition to an act entitled 'an act ascertaining the principle on which the lists of the State shall be made, and directing listers in their office & duty,' and to repeal part of an act therein mentioned," with an order of reference thereon to the General Committee. And also rec<sup>d</sup>. "An act in addition to an act therein mentioned," with an order of reference thereon to the Judiciary Committee: and "An act to prohibit the administration of extra judicial oaths," with an order of reference thereon to a select committee of three members of the House to join from Council, & Mr. Jenison was appointed. And "An act directing the Treasurer to pay James Davis the sum therein mentioned," with an order of reference thereon to the Committee on Claims. And "An act relating to advertisements," with an order of reference thereon to the Land Tax Committee. And "An act laying a tax on the lands in Charleston," with an order of reference thereon to the Land Tax Committee. And "An act empowering Oliver Perry & James Perry to hold and convey real estate," & "An act in relation to interest," with an order of reference on each to the Judiciary Committee. Also "An act directing the Quarter Master General to furnish a field piece to the Franklin Artillery Company," & "An act in addition to the several acts regulating & governing the Militia of this State," with an order of reference on each to the Committee on Military Affairs. Also "An act to incorporate the Newbury Seminary," with an order of reference thereon to the Committee on Education. And "An act in addition to an act entitled 'an act regulating the collection & payment of Taxes,' with an order of reference thereon to the General Committee. And "An act to revive the 8<sup>th</sup> Section of an act entitled 'an act directing the mode of obtaining licenses, & regulating Inns & Houses of publick entertainment,' with an order of reference on the same to the Select Committee raised on the petition of Windham County Temperance Society. And also "An act directing the State's Attorney of Franklin County to discharge a note therein mentioned," with an order of reference thereon to the Committee of Ways & Means. Whereupon: *Resolved* to concur in the said several orders of reference.

The petition of John Brown, a convict in the State Prison, was taken up and *Ordered* to be dismissed. The petition of Hiram Eastman, a convict in the State prison, was taken up, and the question "Shall the said Hiram Eastman be discharged?" was determined in the affirmative. Yeas 7. Nays 4. Those who voted in the affirmative were His Honor the L<sup>t</sup> Governor, Messrs. Brainerd, Cahoon, Cobb, Graves, Jenison & Loveland. Those in the negative were Messrs. Griswold, Howe, Janes, & Robinson. The petition of Lucius Collins, a convict in the State prison, was taken up and the question being put, "Shall the said Lucius Collins be discharged?" was determined in the affirmative. Yeas 6. Nays 5. Those who voted in the affirmative were Messrs. Cahoon, Graves, Griswold, Janes, Loveland & Robinson; those who voted in the negative were His Honor L<sup>t</sup> Governor, Messrs. Brainerd, Cobb, Howe, & Jenison. The petition of John Hazeltine, a convict in the State prison, was taken up (having been laid on the table on the 15. inst.) and the question "Shall the said John Hazeltine be discharged?" being put, it was determined in the negative: those who voted in the negative

were Lt. Governor, Messrs. Brainerd, Cahoon, Cobb, Graves, Griswold, Howe, Janes, Jenison, & Robinson ; in the affirmative Mr. Loveland. The petition of William C. Lee, a convict in the State prison, was taken up, and *Ordered* to be dismissed.

The House of Representatives sent up the resolution, providing for County Conventions & the appointment of County officers &c. with notice that they had not concurred in the proposed amendment thereto by the Council, and the reasons therefor were assigned by Mr. Buck, one of its members, after which he withdrew. Thereupon : *Resolved* that a Committee of three members of this Council be appointed to take into consideration said resolution & report as soon as may be to this body ; and Messrs. Griswold, Janes & Jenison were appointed by His Excellency. Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—The Governor & Council met agreeably to adjournment. Rec<sup>d</sup> from the House for concurrence in the reference the following, "The petition of sundry individuals praying for an alteration of the existing laws in relation to hawkers & peddlers," with an order of reference to the Committee on the petition of E. G. Drake. And "The petition of Charles Waldo & others praying that Norman Cleveland may be released from imprisonment," with an order of reference to [the Committee to] be raised on the petition of Norman Cleveland. And "The petition of Silas Fisk & others," on same subject, with an order of reference to same Committee. And "The petition of John S. Larabee for a renewal of a grant for a ferry," & "The petition of Nathan Adams & others praying that the exclusive right of keeping a ferry may be granted Hiram Fuller," and "The memorial of a convention of citizens of Rutland and Addison Counties, praying for an act of incorporation for the purpose of opening a communication, by a canal or Rail Road, between Otter Creek, below Sutherland Falls, & Lake Champlain," with an order of reference on each to the Committee on Roads & Canals—and also, "The petition of Stephen S. Brown & others praying that the existing laws may be so altered as to extend the limits of the several Jail yards in this State" ; & "The petition of Enos Holmes & 77 others praying for the enactment of a law relating to the competency of witnesses," "The petition of John Baldwin & others praying that the common law may be altered in relation to the competency of witnesses," with an order of reference on each to the Judiciary Committee ; Whereupon : *Resolved* to concur in said several orders of reference.

Rec<sup>d</sup> from the House for concurrence in passing the following resolution, to wit, "Resolved, the Governor & Council concurring herein, that the Judiciary Committee be instructed to inquire into the expediency of passing an act to allow or exclude days of grace on bills of exchange & promissory notes, & report by bill or otherwise." Whereupon: *Resolved* to concur in passing s<sup>d</sup> resolution.

Rec<sup>d</sup> from the House of Representatives, for concurrence in the reference, the following, to wit, "An act to establish a new County by the name of La Moille County," & "The remonstrance of Abner Doty & others against the petition for a new County by the name of La Moille," & "An act in relation to interest," and "The petition of Andrew Ralston praying to be restored to his legal privileges," & "The petition of Benj<sup>m</sup> Metcalf & others praying that an act may be passed declaring that no person shall be rejected as a witness in [any] Court of Justice on account of his religious belief," with an order of reference on each to the Judiciary Committee. Also "The petition of Jonas Whitney & others praying for an alteration of the law granting licenses for the sale of ardent spirits," with an order of reference to the Committee on the [petition of the] Windham County Temperance Society. Also "The peti-

tion of Dorastus Wooster & others praying that an act entitled an act to preserve fish in Otter Creek, passed Oct<sup>r</sup> 31, 1820, may be revived," and "An act in addition to an act directing the mode of the election of Governor, Lt Governor, Treasurer, Councillors and Representatives," & "The petition of Harvey Burton & others, praying that an act may be passed more effectually to prevent cattle from running at large," & "The petition of Geo. W. Clarke & others praying that an act may be passed giving a bounty on Crows," with an order of reference on each to the General Committee. Also "The petition of Simeon Short & others praying that a debt due the State from Widow Rachel Evans may be remitted," and rec<sup>d</sup> also "The School Fund report," and "The report of the Treasurer for 1833," & "The report of the Committee to appraise the State prison property, 1833," also "The report of Geo. T. Hodges, Agent to settle the concerns of the Vermont State Bank," and also "The report of the Superintendent of the Vermont State prison," also "The exhibit accompanying the report of the Superintendent of the Vermont State prison," with an order of reference on each to the Committee of Ways & Means. Also "Mallory Hosford's account," "Alexander S. Campbell's account," "Harry Hale's account," and "The petition of Zelotes Law, praying for relief on account of a prosecution against him in favor of the State," and "Stephen Haight's account," and "The petition of Zadock Remington praying for remuneration for losses sustained in the Revolutionary War," and "The petition of Warren Bliss for compensation for apprehending a felon," with an order of reference on each to the Committee of Claims. And also "The petition of James Brown & others praying for a land tax on the town of Holland," and "The petition of Richard Morgan & others praying that the act laying a tax of three cents per acre on Lemington, passed in 1832, may be revived," and "the petition of Edward Mussey & others praying for a land tax on the town of Mendon," with an order of reference on each to the Land Tax Committee. And also "The petition of Jefferson Wright & others praying for the incorporation of a bank at Proctorsville," and "The Bank Inspector's Report for 1833," and "The Report of the Bank Commissioner," and "The petition of Martin Field & others praying for the incorporation of a Bank at Fayetteville," and "The petition of William Jarvis & others, praying for a repeal of the Law taxing foreign Bank Stock," with an order of reference on each to the Committee on Banks. Received also, "The petition of Josiah Joslin & others, praying that a Law may be passed to enable *all* who practice the healing art to collect their debts," and "The petition of Joseph Dake praying to be set to the School District N<sup>o</sup> 7, in the town of Stowe," and "The petition of Solomon Davis & others praying that the act entitled 'an act regulating the practice of physic & Surgery,' may be repealed," with an order of reference on each to the Committee on Education. And also "The petition of A. P. Lyman & others praying for a land tax on the town of Searsburgh," and "The petition of Moses Davis & others for a land tax on Sheffield," & "The petition of John Drew & others for a land tax on Glover," & "The remonstrance of the land owners of Mendon against a land tax on said town," and "The petition of James Kirby & others for a land tax on the town of Ripton," & "The petition of the Selectmen of Fairfield for a land tax," & "The petition of the Selectmen of Brownington for a land tax," with an order of reference on each to the Land Tax Committee—Whereupon: *Resolved* to concur in said several orders of reference.

Mr. Griswold, for the Committee appointed in the forenoon to take into consideration the resolution, sent back by the House of Representatives, in reference to County Conventions, County appointments &c.

made report, That the Committee would recommend that the Council recede from their vote on said resolution, & that the Council non-concur in the passage of said resolution, & would further recommend the adoption of the following, to wit,

“IN COUNCIL Oct<sup>r</sup> 17, 1833.

“*Resolved*, the House of Representatives concurring herein, that the members of the House of Representatives [from each County] in conjunction with the Councillor residing in such County, meet in County Conventions at 4 o'clock tomorrow afternoon, for the purpose of making nominations for County officers, & that both Houses convene, in joint committee, on Saturday next at 10 o'clock forenoon, for the purpose of electing such officers,” and while the same was under consideration the Governor & Council proceeded to the Representatives' room, on the joint resolution to elect Judges of the Supreme Court, after which they returned to their chamber<sup>1</sup> and resumed the consideration of the report of their Committee. *Resolved* to recede from the vote taken on the 16<sup>th</sup> Oct<sup>r</sup> instant, passing said resolution of the House, with proposals of amendment. The resolution offered & recommended by the Committee was again read; Whereupon, *Resolved* to adopt the same, and *Resolved* to nonconcur in the passage of the resolution of the House, and *Ordered* that the Secretary inform the House accordingly in both cases.<sup>2</sup>

The petition of Joseph Little, a convict in the State prison, was taken up, and the question “Shall the said Joseph Little be discharged from State prison?” being put, was determined in the affirmative. Those who voted in the affirmative were Lt Governor, Messrs. Brainerd, Cahoon, Graves, Griswold, Jones, Loveland & Robinson—those in the negative were, Messrs. Cobb, Howe & Jenison. Yeas 8. Nays 3.

Rec<sup>d</sup> from the House, for concurrence in the reference, the following, to wit, “An act in addition to the 4<sup>th</sup> Section of an act in addition to and in alteration of the several acts regulating & governing the Militia of this State,” with an order of reference thereon to the Com. on Military Affairs—and “An act relating to neat cattle,” with an order of reference thereon to the General Committee—& “An act laying a tax on the lands in Salem,” with an order of reference thereon to the Land Tax Committee. And, “An act to repeal an act therein mentioned,” with an order

<sup>1</sup> Charles K. Williams, Stephen Royce, Samuel S. Phelps, Jacob Collamer, and John Mattocks were elected. It is noticeable that three of these judges were subsequently elected to the office of Governor, and the remaining two were among the most distinguished members of the United States Senate; also that only one of the judges [Phelps] had been affiliated in any degree with the antimasonic party, which then had a large plurality of the Legislature. Chief Justice Williams was elected against Chief Justice Hutchinson by 118 votes to 113; Messrs. Royce and Phelps were elected by a unanimous vote; Judge Collamer was elected on the second ballot over Daniel Kellogg and others, and Judge Mattocks on the second ballot over William Upham.

<sup>2</sup> Thus the Council gracefully surrendered a privilege which the Lieutenant Governor, when acting as Councillor, had had, at least *pro forma*, for more than half a century. It is by no means improbable that the Lieutenant Governors rarely availed themselves of the privilege; and that not until a political exigency occurred did the House of Representatives abolish it.



of reference thereon to the Committee on Roads & Canals.—Also "An act altering the name of Lucas Miltiades," with an order of reference thereon to the Committee on the alteration of names.<sup>1</sup> Whereupon, *Resolved* to concur in said several orders of reference. Adjourned to 9 o'clock tomorrow morning.

FRIDAY Oct<sup>r</sup>. 18, 1833.

Gov. & Council met agreeably to adjournment. Rec<sup>d</sup> from the House for concurrence in passing, the following resolution, to wit, "Resolved, the Governor & Council concurring herein, that [both] Houses meet in the Representatives' room on Friday the 18<sup>th</sup> inst. at 10 o'clock A. M. for the purpose of electing an Inspector of Banks & a Bank Commissioner." Whereupon *Resolved* to concur in passing the same. *Ordered* that the Secretary inform the House accordingly.

Rec<sup>d</sup> also, for concurrence in the reference, "An act in addition to an act entitled an act to repeal the several acts therein mentioned, passed Nov. 9, 1831," with an order of reference thereon to the Committee on Roads & Canals. And also, "An act in addition to an act regulating chartering of Banks," with an order of reference thereon to the Committee on Banks; Whereupon: *Resolved* to concur in the said several orders of reference.

On motion of Mr. Janes, *Resolved* to recede from the vote passing the resolution appointing a time to meet in joint Committee to elect an Inspector of Banks & a Bank Commissioner for the year ensuing, and said resolution was *Ordered* to lie on the table.

Mr. Cobb moved to recede from the vote taken yesterday, passing the resolution recommended by the Committee of the Council in reference to meeting in County Conventions &c., which motion was lost.

The petition of Russel Tooley, a prisoner confined in the common Jail in Rutland County for an assault & battery upon the body of Lyman Finney and for the remission of the fine & cost taxed at \$61.18, & for a discharge from said Jail, was taken up, and *Ordered* to lie on the table.

The House sent up, for concurrence in the reference, the following, 'to wit, "The petition of Abner Allyn & others praying for a land tax on Westmore," with an order of reference thereon to the Land Tax Committee; and "An act annexing a part of Avery's Gore to Kingston" [Granville,] with an order of reference thereon to a select committee of two, to join from Council, & Mr. Jenison was appointed. Also "The petition of Thomas Taylor & others praying for a land tax on Wolcott," with an order of reference to the Land Tax Com. Also "The petition of Lydia Washburn praying for the alteration of her name," with an order of reference thereon to the Committee on the alteration of names. And "The remonstrance of Samuel P. Strong & others against the construction of a Canal from Brandon to Lake Champlain," with an order of reference thereon to the Committee on Roads & Canals." And "The

<sup>1</sup> Lucas Miltiades was a Greek, brought from Greece to this country by the late Col. Jonathan P. Miller of Montpelier, and adopted by him. His name was changed to Lucas Miltiades Miller. He became a very prosperous citizen of Oshkosh, Wisconsin.

<sup>2</sup> Presumably the reason of this remonstrance was a fear, if not the fact, that the proposed canal would impair the valuable water-power at Vergennes.

petition of Asahel Barnes for a Ferry," with an order of reference thereon to the same Committee. And "The petition of White River Bridge Company praying for an extension of their Charter," with an order of reference thereon to the Committee on Roads & Canals. And also "An act in addition to an act entitled an act constituting a Court of Chancery," to Judiciary Committee by order of House, and "The petition of Dorman Bridgman & others praying that a law may be passed for the protection of persons practising in botanical medicine," with an order of reference to the Committee on Education. And "The petition of Ira Davis praying for an alteration in the laws relating to Glebe lands," with an order of reference thereon to the Judiciary Committee. And "The petition of Ira Davis & others praying that an act may be passed incorporating the Norwich Literary, Scientific & Military Academy at Norwich," with an order of reference to the Committee on Military Affairs. And "The petition of Stephen Cole & others praying that Norman Cleveland be released from imprisonment," with an order of reference thereon to the Committee on the petition of N. Cleveland. And "The report of the Superintendent of the State House," with an order of reference thereon to the Committee on the State House business. Rec<sup>d</sup>. also the petition of Phineas Spalding & others praying for the incorporation of a Bank at Lyndon," and "The petition of Ellis Bliss & others praying for the establishment of a Bank at Bradford," with an order of reference on each to the Committee on Banks. And also "An act exempting the Buildings of the Rutland County Grammar School from taxation," with an order of reference thereon to the Committee of Ways & Means; Whereupon: *Resolved* to concur in the aforesaid several acts of reference.

Rec<sup>d</sup>. from the House, for concurrence in passing, the following resolution, to wit, "Resolved, the Governor & Council concurring herein, that the General Committee be instructed to inquire into the expediency of affording protection to the growth of Silk in this State, either by bounty or otherwise," which was read, Whereupon: *Resolved* to concur in passing said resolution.

Rec<sup>d</sup>. also, for concurrence in the reference, "The petition of Reuben Allen & others praying that the act to preserve fish in Leicester Pond may be repealed," with an order of reference thereon to the General Committee. And "The petition of Samuel Clark & others praying that the Law in relation to granting licences for the sale of ardent spirits may be altered," with an order of reference thereon to the Committee raised on the petition of Windham County Temperance Society, and "The memorial of sundry inhabitants of Burlington praying for the enactment of such laws as may tend to regulate or suppress the traffick in ardent spirits," with the same order of reference thereon. Also "The petition of Otis Chamberlain, praying for remuneration for expenses incurred in apprehending a felon," with an order of reference thereon to the Committee of Claims, and also, the following with the same order of reference, to wit, "Jonathan Hagar's claim against the State," & "The petition of Elijah Morse praying for remuneration of expenses incurred in pursuing & apprehending a felon"—Whereupon: *Resolved* to concur in said several orders of reference.

Rec<sup>d</sup>. from the House for concurrence in passing the following resolution, to wit, "Resolved, the Governor & Council concurring herein, that so much of the Governor's message as relates to the removal of obstructions at the outlet of Lake Champlain, together with the documents relating to that subject, be referred to the Committee on Roads & Canals," Whereupon: *Resolved* to concur in passing s<sup>d</sup>. resolution.

Rec<sup>d</sup>. also the remonstrance of Prosper Lee & others praying against

the petitions for the alteration of the law relating to Hawkers & Pedlers," with an order of reference thereon to the Committee on E. G. Drake's petition. Also "The Documents from sundry States in the United States," with an order of reference thereon to a select committee of five members of the House to join from Council; Mr. Griswold was appointed—Whereupon: *Resolved* to concur in the said several orders of reference. Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—Governor & Council met agreeably to adjournment. The petition of George Shepherd, a convict in the State prison, was taken up & *Ordered* to be dismissed.

Rec<sup>d</sup>. from the House for concurrence in the reference the following, to wit, "The petition of Nath<sup>l</sup> West & others praying that the law passed in 1820 regulating the practice of physic & surgery in this State, may be repealed"; with an order of reference thereon to the Committee on Education, and "The memorial of the inhabitants of Concord against the petition to annex a part of said town to Kirby," and "The remonstrance of the inhabitants of Waterford against the petition of Silas Hibbard & others annexing a part of the town of Waterford to the town of Victory," with an order of reference on each to the Committee raised on the petition of Silas Hibbard & others. Rec<sup>d</sup>. also "An act taxing the lands belonging to the Vermont State Bank," & "The petition of Abraham Mockridge praying to be restored to his privileges as a Freeman," with an order of reference thereon to the Judiciary Committee. And "The petition of the Selectmen of Westfield & others praying that a certain road may be discontinued," with an order of reference thereon to the Committee on Roads & Canals. And "The petition of Chester Ward & others praying that an act may be passed prohibiting certain animals from running at large," with an order of reference to the General Committee. Also "The remonstrance of Benjamin Wooster & others against the petition for a Land Tax on Fairfield," and "The petition of Silas Potter & others praying for a land tax on Bakersfield," with an order of reference on the two last named to the Land Tax Committee. And also "The petition of Ira Montgomery and others praying that the Law in relation to hawkers & pedlers may be repealed," with an order of reference thereon to the Committee on E. G. Drake's petition. Whereupon: *Resolved* to concur in the said several orders of reference. Adjourned to 9 o'clock tomorrow morning.

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SATURDAY Oct<sup>r</sup> 12, 1833. 9 o'clock A. M.

The petition of Lucius Hill, a state prison convict, was called up & *Ordered* to be dismissed. The petition of James C. Hill, a state prison convict, was taken up and *Ordered* to be dismissed.

The Governor & Council proceeded to the Representatives' room on the joint resolution of yesterday, to meet in joint Committee to elect County Officers—after which they returned to their chamber.

Rec<sup>d</sup>. from the House the following, to wit, "An act constituting a new County by the name of La Moille," with a discharge of the Judiciary Committee to whom it had been referred, & an order of reference thereon to the Committee of Ways & Means. And also "The petition of Stephen S. Brown & others praying that the existing laws may be so altered as to extend the limits of the several jail yards in this State," with a discharge thereon of the Judiciary Committee to whom it had been referred, & an order of reference thereon to the Committee on Insolvency, Whereupon: *Resolved* to concur in the discharge of the former Committees, and in the said several orders of reference.

And rec<sup>d</sup> "An act to incorporate Otter Creek & Champlain Canal Company," with an order of reference thereon to the Committee on Roads & Canals, & "An act in relation to the forfeiture of lumber on the banks of Connecticut River," with an order of reference thereon to the Committee on the Judiciary. And "An act to incorporate the Clinical School of Medicine at Woodstock," with an order of reference on the same to the Committee on Education. And "An act in addition to an act to incorporate the Rutland & Whitehall Rail Road Company," with an order of reference thereon to the Committee on Roads & Canals: Whereupon, *Resolved* to concur in the said several orders of reference.

Rec<sup>d</sup> also from the House, for concurrence in passing, the following resolution, to wit, "Resolved, the Governor & Council concurring herein, [that] the Committee on Roads & Canals be instructed to enquire into the situation of the suit in the name of the State against the Passumpsic Turnpike Company, and ascertain, so far as is practicable, why the suit has not been prosecuted to final judgment, and report, by bill or otherwise, the facts in the case. Whereupon: *Resolved* to concur in the passage of said resolution. Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—The Governor & Council met agreeably to adjournment. The House sent up for concurrence in passing the following resolution, to wit, "Resolved, the Governor & Council concurring herein, that the Committee on Military Affairs be instructed to inquire into the expediency of so altering or amending the act entitled 'an act in addition to an act incorporating certain persons therein named, by the name of the Montpelier Fire Company, passed Nov. 10<sup>th</sup> 1830,' as to provide that membership in said Montpelier Fire Company shall not operate to exempt, from Military duty, any member of any Independent Company in this State, & that they have leave to report by bill or otherwise"; and also, "Resolved, the Governor & Council concurring herein, that the Committee on Military Affairs be instructed to inquire into the expediency of so altering & revising the Militia Laws of this State, that ample encouragement may be afforded to volunteer & independent companies to maintain a sufficient active force for all necessary purposes contemplated by the Constitution—also to provide for the enrolment & complete organization of the main body of the Militia subject to a draft when necessary—and also provide for giving ample instruction to all the officers of the Militia," which s<sup>d</sup> resolutions were read, Whereupon: *Resolved* to concur in passing said resolutions.

Rec<sup>d</sup> also, for concurrence in the reference, "An act in addition to an act entitled 'an act constituting Probate Courts, & defining their powers, & regulating the settlement of testate & intestate estates, & the guardianship of minors & insane persons, passed Nov. 15, 1821,' with an order of reference thereon to the Judiciary Committee, Whereupon, *Resolved* to concur in said order of reference.

Rec<sup>d</sup> from the House, for concurrence in passing, the following resolution, to wit, "Resolved, the Governor & Council concurring herein, that the General Committee be directed to inquire into the expediency of so altering the Law relating to Pounds as to remove the penalty of towns neglecting to maintain them." Whereupon: *Resolved* to concur in passing said resolution. Adjourned to 9 o'clock on Monday morning.

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MONDAY Oct<sup>r</sup> 21, 1833. 9 o'clock A. M.

The Governor & Council met agreeably to adjournment. The petition of Theodore S. Rust, a convict in the State prison, was called up & *Ordered* to be dismissed. The petition of Stephen Sweetser, a convict in

the State prison, was called up, and again *Ordered* to lie on the table. The petition of Cornelius Truax, a convict in the State prison, was called up, and *Ordered* to be dismissed. The petition of Stephen Sweetser was again called up and the question "Shall the said Stephen Sweetser be discharged from State prison?" being put was determined in the affirmative—Yeas 9. Nays 1. Those who voted in the affirmative were the L<sup>t</sup> Governor, Messrs. Brainerd, Calhoun, Graves, Howe, Janes, Jenison, Loveland & Robinson. The member of the Council voting in the negative was Mr. Cobb. The petition of John McConnell, a state prison convict, was called up, and the question "Shall the said John McConnell be discharged from State prison?" being put, was determined in the affirmative. Yeas 9. Nays 0. Those who voted were L<sup>t</sup> Governor, Messrs. Brainerd, Cobb, Graves, Howe, Janes, Jenison, Loveland, & Robinson. The petition of Enoch Hall, a State prison convict, was taken up & *Ordered* to be dismissed. The petition of Alexander Townshend, a convict in St. prison, was taken up & *Ordered* to lie on the table. Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—The Governor & Council met agreeably to adjournment. Rec<sup>d</sup> from the House, for concurrence in the reference, the following, to wit, "An act fixing the place of holding the Courts in the County of Franklin," with an order of reference thereon to the Com. of Ways & Means. Whereupon: *Resolved* to concur in said order of reference.

Rec<sup>d</sup> the following resolution for concurrence in passing, to wit, "Resolved, the Governor & Council concurring herein, that the Committee on Roads & Canals be instructed to inquire into the expediency of so amending the act relating to Highways & Bridges passed March 3<sup>d</sup> 1797 as to give the County Court power to assess adjoining towns for the expense of erecting or repairing a bridge which may be wholly in another town, provided it appears to the Court that the towns to be thus assessed will be benefitted by the erection or repairing of said bridge—also into the expediency of so amending said act as to give *individuals*, instead of the towns in their corporate capacity, the right of petitioning the County Court to assess towns in the erection or repairing of a bridge erected across any stream between two towns"; read, Whereupon, *Resolved* to concur in the passage of said resolution.

Rec<sup>d</sup> also, "Resolved, the Governor & Council concurring herein, that both Houses meet in joint Committee in the Representatives' room on Tuesday next at 10 o'clock A. M. for the purpose of electing a Superintendent of the Vermont State prison, a Surveyor General, Auditor of accounts against the State, Bank Commissioner, & a person to preach the next election sermon, for the year ensuing," which was read, Whereupon: it was *Ordered* to lie on the table.

Also, "Resolved, the Governor & Council concurring herein, that a select committee of two, to join from Council, be appointed to ascertain whether the Judges of the Supreme Court have faithfully reported their decisions according to the act passed 13<sup>th</sup> Nov. 1827"; read, Whereupon *Resolved* to concur in passing said resolution & Mr. Griswold was appointed from Council.<sup>1</sup>

Rec<sup>d</sup> also, for concurrence in the reference, "An act in addition to an act entitled an act constituting Probate Courts, defining their powers, & regulating the settlement of testate & intestate estates & the guardianship of minors & insane persons," with an order of reference thereon to the Judiciary Committee—Also "An act incorporating certain persons therein named by the name of the Bristol Iron Manufacturing

<sup>1</sup> See Appendix F.

Company," with an order of reference thereon to the Committee on Manufactures—and "The petition of Silas Hibbard & others, inhabitants of St. Johnsbury, Waterford, & Concord, praying to be annexed to the town of Kirby," with an order of reference thereon to a select committee of three to join &c. and Mr. Cahoon was appointed from Council. And "An act for the relief of highway districts thro' which a turnpike runs," with an order of reference thereon to the Committee on Roads & Canals. And "An act for the relief of Phineas Stearns & others," with an order of reference thereon to the Committee of Ways & Means, Whereupon *Resolved* to concur in the s<sup>d</sup>. several orders of reference.

Rec<sup>d</sup>. from the House for concurrence in passing, the following resolution, to wit, "Resolved, the Governor & Council concurring herein, that the Judiciary Committee be instructed to inquire into the expediency of providing by law for the appointment of Registers of Probate by the Legislature, as other County officers are now appointed," which was read, Whereupon: *Resolved* to concur in the passage of s<sup>d</sup>. resolution.

Rec<sup>d</sup>. also for concurrence in the reference, "An act to restrain cattle from running at large in the highways," with an order of reference thereon to the General Committee, and "The petition of Willard Bowman & others praying that the law in relation to the competency of witnesses may be altered," with an order of reference thereon to the Judiciary Com. and "The petition of the inhabitants of Jay praying that the name of s<sup>d</sup>. Town may be altered," with an order of reference thereon to the Committee on Names. And "The petition of the Selectmen of Kirby for a land Tax," with an order of recommitment thereon to the Land Tax Committee, Whereupon: *Resolved* to concur in the s<sup>d</sup>. several orders of reference & in the order of recommitment.

Rec<sup>d</sup>. from the House for concurrence in passing the following resolution, to wit, "Resolved, the Governor & Council concurring herein, that the Judiciary Committee be instructed to inquire into the expediency of so altering the law in relation to attachments of personal property that whenever any creditor shall attach the Goods & chattels of his debtor, such attachment shall operate as well for the benefit of all the creditors of such debtor as for the benefit of such attaching creditor," Whereupon: *Resolved* to concur in the passage of s<sup>d</sup>. resolution.

Rec<sup>d</sup>. for concurrence in the reference the following, to wit, "The petition of John S. Marcy & others praying for the remission of a fine due the State from Titus Lull," with an order of reference thereon to the Com. of Ways & Means. And "An act laying a tax on the lands in Westmore," with an order of recommitment thereon to the Land Tax Com. And "The petition of Benj<sup>a</sup>. Streeter for remuneration for services in the Revolutionary War," with an order of reference thereon [to] the Committee of Claims. Whereupon: *Resolved* to concur in the s<sup>d</sup>. several orders of reference & in the order of recommitment. Adjourned to 9 o'clock tomorrow morning.

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TUESDAY, Oct<sup>r</sup>. 22<sup>d</sup>. 1833. 9 o'clock A. M.

The Governor & Council met agreeably to adjournment. The petition of Alexander Townshend, a convict in the State Prison, was again called up and again *Ordered* to lie on the table.

The resolution appointing a time for both Houses to meet to elect a Superintendent of the Vermont State Prison, Surveyor General, Auditor of accounts against the State &c. &c. was called up, and *Ordered* to lie on the table.

The petition of John Blake, a prisoner now confined in the common

jail at Woodstock for assault & battery upon his wife, praying for a discharge from fine & imprisonment, was taken up & *Ordered* to lie on the table.

Rec<sup>d</sup> from the House the following bill, for revision & concurrence or proposals of amendment, to wit, "An act directing the Treasurer to pay the Bank Commissioners the sum therein named," which was read, Whereupon: *Resolved* to concur in passing said bill. *Ordered* that the Secretary inform the House accordingly.

Rec<sup>d</sup> also, for concurrence in passing, the following resolution, to wit, "Resolved, the Governor & Council concurring herein, that the Judiciary Committee be instructed to inquire into the expediency of passing a law exempting from attachment one horse, saddle & bridle & one pair of saddle bags & the medicine therein contained, of all regularly licensed practising physicians, & report by bill or otherwise"; read, Whereupon *Resolved* to concur in passing same.

Rec<sup>d</sup> also for concurrence in the reference, to wit, "An act relating to joint tenants & tenants in Common," and "An act in explanation of an act entitled an act in addition to an act constituting Probate Courts & defining their powers & regulating the settlement of testate & intestate estates & the guardianship of minors & insane persons, passed Nov. 8, 1831," And also "An act to legalize certain town records in the town of Acton," with an order of reference on each to the Judiciary Committee; Whereupon: *Resolved* to concur in s<sup>d</sup> several orders of reference.

Rec<sup>d</sup> from the House, for concurrence in the reference, the following, to wit, "An act entitled an act supplementary to an act entitled an act laying a tax on lands in Lowell," and "The petition of the Selectmen of Northfield praying for a land tax on said town," with an order of reference on each to the Land Tax Committee. And rec<sup>d</sup>. "An act directing the Treasurer to pay Milton Brown the sum therein mentioned," and "The petition of Gilman Huntley praying that an act may be passed directing the Treasurer to pay him a certain sum for services as Constable in the prosecution of a criminal case," with an order of reference on each to the Committee of Claims. Rec<sup>d</sup> also, "An act directing the Treasurer to pay Edward Donally the sum therein mentioned," & "The petition of Wells Way, overseer of the poor of the town of Sutton, praying for remuneration for expenses incurred in the support of a pauper," with an order of reference on each to the Committee of Ways & Means—and "An act for the benefit of the Franklin Artillery Company," with an order of reference thereon to the Committee on Military Affairs—and "The remonstrance of Enos Holmes & others against the petition of E. G. Drake & others," with an order of reference thereon to the Committee raised on the petition of E. G. Drake & others—and "An act to prohibit the circulation of bank notes of a less denomination than five dollars," with an order of reference thereon to the Committee on Banks, and "An act altering the name of Westmore," with an order of reference thereon to the Committee on names, and "An act in addition to an act to extend the jurisdiction of Constables in the several towns in this State," with an order of reference thereon to the General Committee; and "An act in addition to an act entitled 'an act to incorporate the President, Directors & Company of the Essex Bank,'" with an order of reference to the Committee on Banks; and "The petition of Jonathan Houghton Jr. & others praying that an act may be passed incorporating a turnpike company for the purpose of making a turnpike from Whitingham to Readsboro," with an order of reference thereon to the Committee on Roads & Canals. Whereupon: *Resolved* to concur in the said several orders of reference. Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—The Governor & Council met agreeably to adjournment. Hon. Mr. Sherman, who had been elected Councilor for the year ensuing, appeared in the Council Chamber, took & subscribed the oaths of office before His Honor the L<sup>t</sup> Governor, & took his seat in the Council.

The resolution, laid on the table this forenoon, appointing a time for both Houses to meet in joint Committee to appoint a Superintendent of the Vermont State prison, Surveyor General, Auditor of accounts against the State, Bank Commissioner, & a person to preach the next election sermon &c for the year ensuing, was called up, & the following proposals of amendment offered, to wit, Strike out the word "Tuesday," & insert in lieu thereof the word "*Thursday*," & insert the words "a Bank Inspector," immediately after the word "Commissioner." Whereupon *Resolved* to concur in passing s<sup>d</sup>. resolution as amended. *Ordered* that the Secretary inform the House accordingly.

The resolution laid on the table on the 18<sup>th</sup> inst. fixing on a time for both Houses to meet in joint committee to elect an Inspector of Banks and a Bank Commissioner for the year ensuing, was called up, read and Thereupon *Resolved* to non-concur in passing said resolution, [and] *Ordered* that the Secretary inform the House accordingly.

The following resolution, introduced by Mr. Howe, was read, to wit, "*Resolved* by the Governor & Council, the House of Representatives concurring herein, that the Judiciary Com. be instructed to inquire into the expediency of making some provision for the relief of John Warrington, a lunatic or deranged person, now in the State prison, & report by bill or otherwise"; Whereupon: *Resolved* to pass s<sup>d</sup>. resolution.

Rec<sup>d</sup> for concurrence in the reference, from the House, the following to wit, "The petition of Franklin Artillery praying for the loan of a field piece," with an order of reference thereon to the Committee of Military Affairs, and "The remonstrance of Ira Dow & others against the passage of the bill granting to Dartmouth College the lands formerly granted to Moor's Charity School," with an order of reference thereon to the Judiciary Committee, and "The petition of Moses Parmelee & others praying that the present system of granting licenses for the sale of ardent spirits may be abolished, or that towns may be authorized to make regulations on the subject," with an order of reference to the Com. on Windham County Temp. Society's petition, and "An act for the relief of John Lamphere" with an order of reference thereon to the Committee of Ways & Means. And "The memorial of John Hough, Chairman of the Executive Committee of Addison County Temperance Society, praying for the repeal of all laws authorizing the sale of ardent spirits by small measure," with an order of reference to the Committee on Windham County Temp. &c and "An act in addition to an act authorizing Stewards of Churches to hold lands for certain purposes, passed Oct<sup>r</sup> 30, 1828," with an order of reference thereon to a select committee of two, to join &c and Mr. Howe was appointed. Whereupon: *Resolved* to concur in the said several orders of reference.

The following resolution, introduced by Mr. Cahoon, was read, to wit, "*Resolved*, the House of Representatives concurring herein, that the Committee on Roads & Canals be instructed to inquire into the expediency of extending the provisions of an act entitled 'an act in alteration & amendment of an act entitled an act reducing into one the several acts for laying out, making, repairing, & clearing highways,' passed Nov. 15, 1820, to all cases, whether such roads be laid out by selectmen or otherwise, & report by bill or otherwise," and Thereupon *Resolved* to pass s<sup>d</sup>. resolution. Adjourned to 9 o'clock tomorrow morning.



WEDNESDAY Morning Oct<sup>r</sup> 23<sup>d</sup>. 9 o'clock.

The Governor & Council met agreeably to adjournment. Rec<sup>d</sup> from the House for concurrence or revision &<sup>c</sup> the engrossed bill entitled "An act in addition to an act entitled 'an act to repeal the several acts therein mentioned,' passed Nov. 9, 1831," & read; Whereupon: *Resolved* to concur in passing said bill with the following proposal of amendment, to wit, insert immediately after the word "bridges," in the 12<sup>th</sup> line, the words "*passed Nov. 10, 1830,*" and *Ordered* that the Secretary inform the House accordingly. Rec<sup>d</sup> also for revision &<sup>c</sup> an engrossed bill entitled "An act laying a tax on the lands in Salem," which was read, Whereupon *Resolved* to concur in passing said bill. *Ordered* that the Secretary inform the House of such concurrence.

A written communication was rec<sup>d</sup> from the Speaker of the House of Representatives informing that the House had concurred in the amendment proposed by the Governor & Council to the resolution appointing a time to meet in joint Committee for the purpose of electing a Superintendent of the State prison &<sup>c</sup>. Also that the House had concurred in passing the resolution from the Governor & Council instructing the Judiciary Committee to inquire into the expediency of making provision for John Warrington &<sup>c</sup>.

The petition of Alexander Townsend, a convict in the State prison, was taken up and *Ordered* to be dismissed.

The following resolution, introduced by Mr. Cahoon.

"IN COUNCIL, Oct<sup>r</sup> 23<sup>d</sup>. 1833.

"Resolved, the House of Representatives concurring herein, that the Judiciary Committee be instructed to inquire into the expediency of so amending the act entitled 'an act to authorize the Supreme Court to empower guardians to sell the real estate of their wards,' passed Feb. 6, 1804, and also an act in addition thereto, passed Oct<sup>r</sup> 21, 1823, as to authorize the oath to such guardian to be administered by the Clerk of the County granting such license, or by any Judge or Justice of the Peace of this or any of the United States, provided that a certificate of such oath be duly endorsed on such license signed by the authority administering the same, and report by bill or otherwise," was read, Whereupon *Resolved* to pass the same. Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—The Governor & Council met agreeably to adjournment. Rec<sup>d</sup> from the House for revision &<sup>c</sup> the engrossed bill entitled "An act laying a tax on the lands in Charleston," which was read, Whereupon: *Resolved* to concur in passing, and *Ordered* that the Secretary inform the House of such concurrence.

Hon. Jacob Collamer & John Mattocks, who had been elected assistant Justices of the Supreme Court of this State for the year ensuing, appeared in the Council Chamber and were duly sworn to the faithful discharge of the duties of their office, by His Excellency the Governor.

The Governor & Council proceeded to the Representatives' room on an adjournment, of the Joint Committee to elect County officers, after which they returned to their Chamber.

Rec<sup>d</sup> from the House of Representatives for concurrence in the reference, "An act for dividing the funds arising from the Grammar School lands in the County of Orleans," with an order of reference thereon to the Committee on Education, and "An act to incorporate the Springfield Manufacturing Company," with an order of reference thereon to the Committee on Manufactures, & "An act for the relief of Samuel E. Ingram," and "An act for the relief of Allen T. Beach," with an order of reference on each to the Committee of Ways & Means, and also, "An act directing the Treasurer to pay Joseph Howes, Surveyor of State

buildings, the sum therein mentioned," with an order of reference thereon to the Committee of Claims, and "An act altering the name of Lydia Washburn," and "An act altering the name of Lucas Miltiades," with an order of recommitment on each to the Com. on Names, and "An act directing the QuarterMaster General to furnish a Brass Field Piece to the Calais LaFayette Artillery Company," and also "An act directing the Quarter Master General to furnish a Field Piece to the Franklin Artillery Company, attached to the 3<sup>d</sup> Regiment & 3<sup>d</sup> Brigade & 3<sup>d</sup> Division of the Militia of this State," with an order of reference on each to the Com. on Military Affairs. Rec<sup>d</sup> also, "An act entitled an act supplementary to an act entitled an act laying a tax on the lands in Lowell," with an order of recommitment thereon to the Land Tax Committee. And also "An act [in addition] to the several acts for laying out, making & repairing highways," with an order of reference thereon to the Committee on Roads & Canals, and "An Act to preserve inviolate the right of trial by Jury," with an order of reference thereon to the Judiciary Committee. Whereupon, *Resolved* to concur in said several orders of reference & in said several orders of recommitment.

Rec<sup>d</sup> also for concurrence in passing the following resolution, to wit, "Resolved that the Judiciary Committee be instructed to inquire into the expediency of authorizing the Judges of the County Courts, in the several counties in this State, to allow such sums for costs & expenses, as they may deem reasonable, for arresting, pursuing, detaining & transporting any person or persons suspected of having committed some crime, when a conviction of such person or persons is evidently prevented by the insufficiency of Jails or some other fault or neglect of the government," and also "Resolved, the Governor & Council concurring herein, that the Judiciary Committee be instructed to inquire into the expediency of providing by law that the County Court in the County of Orleans shall hereafter be holden on the Second Tuesday next after the 3<sup>d</sup> Tuesday of December annually, and report by bill or otherwise." Which resolutions were severally read; Whereupon: *Resolved* to concur in the passage of said resolutions.

Rec<sup>d</sup> also, the following, "*Resolved*, the Governor & Council concurring herein, that the Governor be requested to procure a Sword ornamented with devices emblematical of the capture of the Cyane, & Levant, by the American Frigate Constitution, and present the same to Lieutenant Horace B. Sawyer, as a testimony of the high sense which this General Assembly entertain for his services & gallantry in that memorable action"; read and *Ordered* to lie on the table.<sup>1</sup>

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<sup>1</sup> This resolution was introduced into the House by Solomon Foot of Rutland, afterward a distinguished member of the United States Senate, and was adopted without division, but was rejected by the Governor and Council. In 1834, the House again adopted and the Council rejected it. In 1835 the resolution failed in the House; but in 1856 both the Senate and House concurred in paying this well deserved and too long delayed compliment. Capt. Sawyer reciprocated, by presenting to the Governor, for the Executive Chamber, an elegant chair, manufactured from the wood of the old frigate Constitution.

HORATIO BUCKLIN SAWYER—grandson of Col. Ephraim Sawyer, who commanded a Massachusetts regiment at the battles at Bunker Hill and Saratoga, and son of Col. James Sawyer, who was also an officer in

Rec<sup>d</sup> for concurrence in the reference the following, to wit, "An act providing for the compiling & printing an additional volume of the laws of this State," with an order of reference thereon to the Judiciary Committee, and "The petition of Jabez Delano & others praying that a law may be passed to prevent the spread of the 'foot rot' among Sheep," with an order of reference thereon to the Committee on Agriculture, and "The petition of Mary Foster praying for an act authorizing her to sell the real estate of her wards," with an order of reference thereon to the Judiciary Committee, and "The petition of Joel Doolittle & others praying (that a) for an alteration of the law granting licenses for the sale of ardent spirits," with an order of reference to the Committee on Windham County &c &c and "An act to repeal an act therein mentioned," with an order of reference thereon to the Judiciary Committee. Whereupon : *Resolved* to concur in said several orders of reference.

Rec<sup>d</sup> for concurrence in passing the following resolution, to wit, "Resolved, the Governor & Council concurring herein, that the Judiciary Committee be instructed to inquire into the expediency of appointing an Agent to commence a suit at law or in Chancery against Moor's Charity School for the recovery of lands in the town of Wheelock, heretofore granted to said school, by the Legislature of this State, upon certain conditions which have not been complied with by the grantees, and report by bill or otherwise." *Resolved* to concur in passing said resolution. Rec<sup>d</sup> also, "Resolved, the Governor & Council concurring herein, that a select committee of a member from each County herein named, to join from Council, be instructed to inquire into the expediency of altering the times for holding the County Courts within & for the Counties of Washington, Caledonia, Orleans & Essex," Whereupon : *Resolved* to concur in passing said resolution, and Messrs. Janes, Cahoon, Robinson & Graves were appointed from Council. Adjourned to 9 o'clock tomorrow morning.

the war of the revolution—was born in Burlington Feb. 22, 1797, appointed midshipman in the U. S. Navy in 1812, and commenced service on Lake Champlain. He was captured on the sinking of the sloop Eagle in 1813, and detained for a year at Quebec as a prisoner. On his release he was assigned to the frigate Constitution, under Commodore Stewart, and served with credit in the action which resulted in the capture of the British ships named in the above resolution. The cruise of the Constitution was not completed until after the peace of 1815, when, having leave of absence, midshipman Sawyer entered a ship for India as a sailor before the mast, to acquaint himself practically with all the duties and hardships of a common sailor. On his return he was promoted to a lieutenantcy, and served on the South American coast, against pirates both in the waters of the West India Islands and in the Mediterranean, and for many years on shore service. While engaged in preserving neutrality, at Derby line, during the "Patriot rebellion" in Canada, he was appointed lieutenant-commandant in the Navy, and in 1854 received a commission as post-captain, the highest honor reached by him, though but for deafness incurred in the service, he would undoubtedly have attained a still higher position, as he was an officer both of excellent qualifications and estimable character. He died in Washington city, Feb. 14, 1860.—*Vt. Historical Magazine*, Vol. I, title "Burlington."

THURSDAY Oct<sup>r</sup>. 24, 1833. 9 o'clock A. M.

The Governor & Council met agreeably to adjournment. Mr. Griswold introduced a bill entitled "An act in addition to & extending the operation of an act entitled 'an act to incorporate the Vermont Rail Road Company,' passed 8<sup>th</sup> November 1832," which was read, Whereupon *Resolved* that the same be referred to the Committee on Roads & Canals.

Rec<sup>d</sup> from the House for revision &c the following engrossed bills of the following titles, "An act laying a tax on the lands in Wolcott," which was read, Whereupon, *Resolved* to concur in passing said bill. Rec<sup>d</sup> also, the following engrossed bill for revision, &c entitled "An act for the relief of Philip Bemiss Jr." which was read, Whereupon, *Resolved* to concur in passing said bill. Also rec<sup>d</sup> the engrossed bill for revision &c entitled "An act for the relief of Rachel Evans," which was read, Whereupon, *Resolved* to concur in passing said bill. *Ordered* that the Secretary inform the House of the concurrence in passing of the three bills last mentioned.

The Governor & Council repaired to the Representatives' room on the joint resolution to elect a Superintendent of the Vermont State Prison, a Surveyor General &c &c after which they returned to their Chamber and Adjourned to 2 o'clock P. M.<sup>1</sup>

2 O'CLOCK P. M.—The Governor and Council met pursuant to adjournment, His Honor the L<sup>t</sup> Governor in the Chair. Mr. Griswold called up the resolution requesting the Governor to procure a sword &c & present the same to L<sup>t</sup> Horace B. Sawyer &c &c and after some inquiries into the facts of the engagement &c it was again *Ordered* to be laid on the table.

The petition of William C. Lee, a convict in the State prison, praying for a remission of the fine imposed on him at the time of his sentence, was taken up & read, Whereupon the question "Shall the fine of the said William C. Lee be remitted?" was put & determined in the affirmative. Yeas 7. Nays 4. Those who voted in the affirmative were Messrs. Cobb, Howe, Janes, Jenison, Loveland, Robinson & Sherman: those in the negative were Messrs. Birchard, Brainerd, Graves and Griswold.

Rec<sup>d</sup> from the House for concurrence in the reference, to wit, "An act altering the name of John Redhead," with an order of reference thereon to the Committee on Names. Whereupon: *Resolved* to concur in said order of reference.

Rec<sup>d</sup> also for concurrence in passing the following resolution, to wit, "Resolved, the Governor and Council concurring herein, that the Judiciary Committee be directed to inquire into the expediency of so altering the law that personal property attached on debts, hereafter contracted, to a certain amount, shall be appraised to the creditor, if demanded by the debtor," and read, Whereupon: *Resolved* to concur in passing s<sup>d</sup> resolution.

Rec<sup>d</sup> from the House for concurrence in the reference, the following, "The petition of John Beckwith, in behalf of the trustees of Lyndon Academy, praying that a part of the rents of Grammar School lands in s<sup>d</sup>. County may be granted s<sup>d</sup>. trustees," and "An act altering the terms of Courts in certain Counties," with an order of reference on each to the Judiciary Committee, Whereupon: *Resolved* to concur in said several orders of reference.

<sup>1</sup> The following elections were made: John H. Cottou Superintendent of the State Prison; John Johnson, Surveyor General; David Pierce, Auditor of Accounts against the State.

Rec<sup>d</sup> also for concurrence in passing the following resolution, to wit, "Resolved, the Governor & Council concurring herein, that the Committee raised on so much of the Governor's message as relates to the building of a State House be instructed to inquire into the expediency of fixing, by law, the compensation to be paid for the past & future services of the Committee appointed to superintend the building of a new State House, and of any other person or persons employed on said building, and report by bill or otherwise," Whereupon: *Resolved* to concur in passing said resolution.

Rec<sup>d</sup> also, "An act authorizing School Districts to abate taxes in certain cases," with an order of reference thereon to the Committee on Education, and "An act establishing a place to hold the County & Supreme Courts in the County of Bennington," with an order of reference thereon to a committee of the members from Bennington County to join &c. and Mr. Sherman was appointed from Council, and "An act incorporating the inhabitants of the first school District in Rockingham," with an order of reference thereon to the General Committee, and "An act directing the Treasurer to pay the town of Sutton the sum therein mentioned," with an order of reference thereon to the Committee of Claims. Whereupon: *Resolved* to concur in the said several orders of reference.

Rec<sup>d</sup> also, the following resolution, for concurrence in passing, to wit, "Resolved, the Governor & Council concurring herein, that the Committee of Insolvency be instructed to inquire into the expediency of abolishing imprisonment for debt on all sums less than thirty Dollars"; read, Whereupon: *Resolved* to concur in passing s<sup>d</sup> resolution.

The L<sup>t</sup> Governor & Council proceeded to the Rep<sup>a</sup> room on an adjournment of joint Com. after which they returned to their Chamber, and Adjourned to 9 o'clock tomorrow morning.<sup>1</sup>

#### FRIDAY Oct<sup>r</sup> 25, 1833.

The Governor & Council met agreeably to adjournment. Rec<sup>d</sup> from the House the engrossed bill for revision &c. entitled "An act directing the Treasurer of this State to pay Joel Doolittle the sum therein mentioned," whereupon the question was put, "Will the Governor & Council concur with the House of Representatives in the passage of said bill?" and determined in the affirmative. Yeas 11. Nays 2. Those who voted in the affirmative were The L<sup>t</sup> Governor, Messrs. Birchard, Brainerd, Cahoon, Graves, Griswold, Howe, Janes, Loveland, Robinson & Sherman. Those in the negative were Messrs. Cobb & Jenison.

And also the engrossed bill entitled "An act directing the Treasurer to pay James Davis the sum therein mentioned," which was read, Whereupon: *Resolved* to concur in passing said bill. *Ordered* that the Secretary inform the House accordingly in both of the above cases.

Rec<sup>d</sup> also the engrossed bill entitled "An act laying a tax on the lands in Searsburgh," which was read, Whereupon: *Resolved* to concur in passing said bill. *Ordered* that the Secretary inform the House of such concurrence. Adjourned to 2 o'clock P. M.

2 O'CLOCK, P. M.—The Governor & Council met agreeably to adjournment. Rec<sup>d</sup> from the House for concurrence in the reference, the following, to wit, "The petition of Eunice Hutchinson, widow of the late Elisha Hutchinson, who was killed by a stone thrown by the blasting of rocks on the ground for a new State House, praying for relief," and "The

<sup>1</sup> The following elections were made: Harry Hale Bank Commissioner, and John S. Pettibone Bank Inspector.

petition of Gilman Huntley praying that an act may be passed directing the Treasurer to pay him a certain sum for services as Constable in the prosecution of a criminal case," with an order of reference on each to the Committee of Claims, Whereupon : *Resolved* to concur in s<sup>d</sup> orders of reference.

Rec<sup>d</sup> also "The petition of the Inhabitants of the town of Elmore for a land tax," & "An act laying a tax on the lands in Westmore," with an order of reference on each to the Land Tax Committee on a recommitment. Whereupon : *Resolved* to concur in s<sup>d</sup> orders of reference & recommitment.

Rec<sup>d</sup> from House, for concurrence in passing, the following resolution, to wit, "Resolved, the Governor & Council concurring herein, that the Judiciary Committee be directed to inquire what alterations, if any, ought to be made in explanation of the 23<sup>d</sup> Section of the act entitled 'an act defining the powers of Justices of the Peace, passed Mar. 4, 1797, and report by bill or otherwise,' which was read, whereupon *Resolved* to concur in passing s<sup>d</sup> resolution.

Rec<sup>d</sup> for concurrence in the reference, "The petition of Amos F. Campbell & others praying for an alteration in the law in relation to hawking & peddling," with an order of reference thereon to the petition of E. G. Drake's Com. Also "The remonstrance of Ephraim Paddock & 123 others against the petition of Silas Hibbard & others for the formation of a new town," with an order of reference thereon to the Committee on the petition of Silas Hibbard. Also, "An act in addition to an act entitled an act in addition to an act entitled an act defining what shall be deemed & adjudged legal settlement & for the support of the poor &c. &c." with an order of reference thereon to the General Committee, and "An act in addition to an act entitled an act to provide for the support of common schools, & to repeal a part of the same," with an order of reference thereon to the Committee on Education, and "An act to incorporate the Farmers', Mechanics' & Manufacturers' Bank at Springfield," with an order of reference thereon to the Committee on Banks. [Concurred in the several orders of reference.]

The petition of Clark Caryl, a convict in the State prison, was called up, and *Ordered* to be dismissed.

Rec<sup>d</sup> from the House for revision &c an engrossed bill entitled "An act granting to Asahel Barnes the exclusive right of a ferry," which was read, Whereupon : *Resolved* to concur in the passage of s<sup>d</sup> bill, & *Ordered* that the Secretary inform the House of such concurrence.

Mr. Cobb, chairman of the Committee on Roads & canals, was excused from serving on said Committee, and Mr. Sherman was appointed in his stead.

Mr. Jenison, on motion, was excused from serving longer on the Committee raised on the petition of E. G. Drake. Adjourned to 9 o'clock tomorrow morning.

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SATURDAY Oct. 26, 1833. 9 o'clock A. M.

The Governor & Council met agreeably to adjournment. Rec<sup>d</sup> from the House for revision &c the following engrossed bills, entitled "An act laying a tax on the lands in Guildhall," which was read, Whereupon *Resolved* to concur in passing said bill. "An act to incorporate the Springfield Manufacturing Company," which was read: Whereupon *Resolved* to concur in passing said bill. Also "An act laying a tax on the lands in Northfield," which was read; Whereupon, *Resolved* to concur in passing said bill. Also "An act in addition to an act to incorporate the Rutland & Whitehall Rail Road Company," which was read; Where-

upon: *Resolved* to concur in passing said bill. Also "An act laying a tax on the lands in Maidstone," which was read; Whereupon: *Resolved* to concur in passing said bill. Also "An act to repeal an act therein mentioned," which was read; Whereupon, it was *Ordered* to lie on the table. Also "An act compensating the Superintendent of the Vermont State Prison," which was read; Whereupon: *Resolved* to concur in passing said bill. *Ordered* that the Secretary inform the House of the concurrence of the Governor & Council in the passage of the seven bills last mentioned.

On motion of Mr. Graves, *Resolved* to recede from the vote concurring in the passage of the bill entitled "An act laying a tax on the lands in Maidstone," & it was *Ordered* to lie on the table.

The House sent up for revision &c an engrossed bill entitled "An act incorporating the Newbury Seminary," which was read, & *Ordered* to lie on the table.

Rec<sup>d</sup> from the House for concurrence in passing, the following resolution, to wit, "*Resolved*, the Governor & Council concurring herein, that George T. Hodges of Rutland, & Leander Hutchins of Waterbury, be & hereby are, appointed a Committee to attend at the State Prison, in the month of September next, to make an appraisal & inventory of all the property belonging to said prison, & also to settle with the Superintendent & investigate all the accounts of s<sup>d</sup> prison & report to the next session of the legislature," which was read; Whereupon: *Resolved* to concur in the passage of said resolution. *Ordered* that the Secretary inform the House of such concurrence.

*Resolved* that when the Governor & Council adjourn, they adjourn to Monday morning next at 9 o'clock forenoon. Adjourned.

MONDAY Oct<sup>r</sup> 28, 1833. 9 o'clock A. M.

The Governor & Council met agreeably to adjournment. Rec<sup>d</sup> from the House for revision &c an engrossed bill entitled "An act to repeal an act therein mentioned," and the same having been laid on the table, was now called up & read, Whereupon: *Resolved* to concur in passing said bill. *Ordered* that the Secretary inform the House of such concurrence.

The engrossed bill, entitled "An act incorporating the Newbury Seminary," was now called up and again *Ordered* to lie on the table.

Rec<sup>d</sup> from the House for concurrence in passing the following resolution, "*Resolved*, the Governor & Council concurring herein, that the State's Attorney within and for the County of Franklin suspend the collection of the debt due the State of Vermont from Phineas Stearnes, John Stearnes, Henry Stearnes, & E. P. Stearnes on their promissory notes until after the next session of the Legislature, provided such delay, in the opinion of such Attorney, will not be prejudicial to the final collection of the afores<sup>d</sup> debt," which was read; Whereupon: *Resolved* to concur in the passage of such resolution, and *Ordered* that the Secretary inform the House accordingly. Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—The Governor & Council met agreeably to adjournment. The House sent up for concurrence in passing the following resolution, to wit, "*Resolved*, the Governor & Council concurring herein, that both Houses meet in the Representatives' room, on Tuesday next at 10 o'clock A. M. for the purpose of electing Commissioners of the Deaf & Dumb, & Commissioners of Common Schools, and an agent to settle the concerns of the Vermont State Bank," which was read,

Whereupon : *Resolved* to concur in passing s<sup>d</sup>. resolution. *Ordered* that the Secretary inform the House of such concurrence.

The House sent up a resolution requesting His Excellency to appoint Thursday the 5. day of December next to be observed as a day of public Thanksgiving & Praise throughout this State," whereupon, His Excellency, by & with the advice of the Council, appointed Thursday the 5. day of December to be observed as a day of public Thanksgiving & Praise throughout this State.

Rec<sup>d</sup>. from the House, for concurrence in the reference, the following, to wit, "An act to pay Moses Peck jr. the sum therein mentioned," with an order of reference thereon to the Committee of Claims. *Also* "An act in alteration of an act entitled 'an act in addition to an act establishing permanent salaries, & for regulating certain fees & taxable costs,' passed November 9, 1822," with an order of reference to the General Committee thereon. *Also* rec<sup>d</sup>. the following, with an order of reference thereon to the same Committee, to wit, "An act in addition to & in explanation of an act ascertaining the principles on which the list of this State shall be made, and directing listers in their office & duty, passed Nov. 17, 1825." *Also* rec<sup>d</sup>. "The petition of Jephtha Shedd & others praying for the repeal of the existing laws in relation to the sale of ardent spirits," and *also*, "The petition of B. H. Wilson & others praying for the repeal of the existing laws in relation to the sale of ardent spirits," with an order of reference on each to the Committee on the petition of Windham County Temp. &c. &c. and "An act to incorporate the Vermont Farming Company," with an order of reference thereon to the Committee on Agriculture, Whereupon : *Resolved* to concur in said several orders of reference.

Rec<sup>d</sup>. from the House for concurrence in the reference, the following resolution, to wit, "Resolved, the Governor & Council concurring herein, that the several States' Attornies in the Counties of Grand Isle, Franklin, Orleans & Essex are hereby authorized, in their discretion, to employ some suitable person or persons in their respective Counties to use their exertions to ferret out and bring to justice the horde of Counterfeiters who infest our frontiers," with an order of reference thereon to a Committee of two members of the House from each of said Counties, to join from Council. Whereupon : *Resolved* to concur in referring said resolution, and Messrs. Brainerd, Robinson & Graves were appointed from Council.

Rec<sup>d</sup>. also for concurrence in the reference, "The memorial of the President & Fellows of Middlebury College praying for such aid from the State as the Legislature may deem expedient," with an order of reference thereon to the Committee on Education. *Also* "An act to incorporate & establish the Orange County Independent Grammar School," with an order of reference thereon to the same Committee. And *also* rec<sup>d</sup>. "The petition of the Directors of the Passumpsic Turnpike Company praying that an act may be passed establishing a new rate of tolls &c. &c." and "An act in addition to an act laying [out] & making highways," with an order of reference on the two last to the Committee on Roads & Canals. *Also* "An act to incorporate the President, Directors & Co. of the Washington County Bank" with an order of reference thereon to the Committee on Banks—& "The petition of E. B. Williston & others praying that an act may be passed incorporating a Woollen Manufacturing Company," with an order of reference thereon to the Committee on Manufactures—and "The petition of Clark Watson praying to be restored to his legal privileges," with an order of reference thereon to the Judiciary Committee. Whereupon : *Resolved* to concur in the said several orders of reference. Adjourned to 9 o'clock tomorrow morning.



TUESDAY, Oct<sup>r</sup> 29, 1833. 9 o'clock A. M.

The Governor & Council met agreeably to adjournment. The House sent up for concurrence in the reference the following, to wit, "Resolved, the Governor & Council concurring herein, that the Judiciary Committee be instructed to inquire into the expediency of authorizing the several State's Attornies in this State, whenever a felony has been committed, to hire persons, in their discretion, at the expense of the State, to pursue said felons, provided the expense do not exceed twenty dollars." *Also* "Resolved, the Governor & Council concurring herein, that the General Committee be instructed to inquire into the expediency of providing for the instruction of the blind in this State in the same manner that the deaf & dumb are now provided for." *Also* "Resolved, the Governor & Council concurring herein, that the Committee of Ways & Means be instructed to inquire into the expediency of abolishing the existing School fund, & to recommend the appropriation of said fund to such object or objects as they may deem proper & most expedient, & report by bill or otherwise." *Also* "Resolved, the Governor & Council concurring herein, that the Committee on Military Affairs be instructed to inquire into the expediency of passing a law so altering & amending the several acts incorporating the several fire companies in this State that they shall be uniform in the number of persons exempt from Military duty, & that the persons so exempt shall not be taken from Independent Companies, & report by bill or otherwise." Which said resolutions were severally read, Whereupon: *Resolved* to concur in the passage of said resolutions.

*Rec<sup>d</sup> also*, "The petition of Moses Morrill & William Morrill, praying that a debt due by them to the State may be remitted," with an order of reference thereon to the Committee of Ways & Means. *Also* "An act in addition to an act entitled an act regulating the attachment & sale of personal property," with an order of reference thereon to the Judiciary Committee. *Also* "An act to repeal an act therein mentioned," with an order of reference thereon to the Committee on Roads & Canals. *Rec<sup>d</sup> also* "An order on the Treasury," with an order of reference thereon to the Committee of Claims. Whereupon: *Resolved* to concur in said several orders of reference.

*Rec<sup>d</sup>* from the House for revision & an engrossed bill entitled "An act for the relief of Allen T. Beach"; which was read; Whereupon: *Resolved* to concur in passing said bill. *Rec<sup>d</sup> also* for revision & an engrossed bill entitled "An act directing the Treasurer of this State to pay Milton Brown the sum therein mentioned," which was read; Whereupon: *Resolved* to concur in passing said bill. *Rec<sup>d</sup> also*, for revision & an engrossed bill entitled "An act to revive an act entitled an act laying a tax on the lands in Lemington, passed Nov. 1, 1832," which was read; Whereupon: *Resolved* to concur in passing said bill. *Rec<sup>d</sup> also*, for revision & an engrossed bill entitled "An act laying a tax on the lands in Westmore," which was read; Whereupon: *Resolved* to concur in passing said bill. *Rec<sup>d</sup> also*, for revision & an engrossed bill entitled "An Act altering the names of certain persons therein mentioned," which was read, Whereupon: *Resolved* to concur in passing said bill. *Rec<sup>d</sup> also* for revision & an engrossed bill entitled "An act laying a tax on the lands in Maidstone," which was read; Whereupon: *Resolved* to concur in passing said bill. *Rec<sup>d</sup> also*, for revision & an engrossed bill entitled "An act laying a tax on the lands in Mount Tabor," which was read; Whereupon: *Resolved* to concur in passing said bill. *Rec<sup>d</sup> also*, for revision & an engrossed bill entitled "An act in addition to & in alteration of an act entitled 'an act constituting the Supreme Court of Judicature & County Courts, defining their powers, &

regulating judicial proceedings,' passed Nov. 18, 1824," which was read ; Whereupon : *Resolved* to concur in passing said bill. *Ordered* that the Secretary inform the House of the concurrence of the Governor & Council in the eight last mentioned bills.

The engrossed bill, entitled "An act incorporating the Newbury Seminary," which was laid on the table on the 26<sup>th</sup> instant, was called up, and the following proposal of amendment offered, to wit, "Strike out the whole of the 6<sup>th</sup> section," and the question "Shall said amendment be adopted?" was determined in the affirmative. Ayes 9. Nays 3. Those who voted in the affirmative were, the L<sup>t</sup> Governor, Messrs. Birchard, Graves, Howe, Janes, Jenison, Loveland, Robinson & Sherman—those voting in the negative were Messrs. Brainerd, Cahoon & Griswold. A further proposal of amendment was offered, to wit, add to the bill the following to wit, "Sec. 7. It is hereby further enacted, that all the privileges of this act shall be under the control of this or any future legislature, so as to alter, amend or repeal the same at pleasure, as the public good may require"; and while the same was under consideration, the Governor & Council adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—The Governor & Council met agreeably to adjournment. Rec<sup>d</sup> from the House for revision &c an engrossed bill entitled "An act altering the name of the town of Jay," which was read ; Whereupon *Resolved* to non-concur in the passage of this bill ; and Mr. Janes was appointed to assign the reasons therefor to the House of Representatives.

The consideration of the engrossed bill entitled "An act to incorporate the Newbury Seminary," was now resumed, and the question "Shall the amendment adding an additional Section to this bill be adopted?" was determined in the affirmative, Ayes, 8. Nays, 4. Those who voted in the affirmative were, The L<sup>t</sup> Governor, Messrs. Birchard, Graves, Howe, Janes, Jenison, Loveland & Robinson ; those who voted in the negative were Messrs. Brainerd, Cahoon, Griswold & Sherman. Mr. Cahoon moved to reconsider the vote of the forenoon, striking out the 6<sup>th</sup> Section, and the question "Will the Governor & Council recede from their vote on this bill, striking out the 6<sup>th</sup> Section thereof?" was decided as follows, Ayes 4. Nays 8. Those who voted in favor of receding from said vote were Messrs. Birchard, Brainerd, Cahoon & Griswold ; those who voted in the negative were The L<sup>t</sup> Governor, Messrs. Graves, Howe, Janes, Jenison, Loveland, Robinson & Sherman. The question was then put "Will the Governor & Council concur with the House in the passage of said bill as amended?" and determined in the affirmative. Ayes 9. Nays 3. Those who voted in the affirmative were The L<sup>t</sup> Governor, Messrs. Birchard, Graves, Howe, Janes, Jenison, Loveland, Robinson & Sherman ; those in the negative were Messrs. Brainerd, Cahoon & Griswold. *Ordered* that the Secretary inform the House of such concurrence.

The engrossed bill entitled "An act altering the name of Westmore," having been laid on the table, was called up and again read ; Whereupon : *Resolved* to nonconcur in the passage of s<sup>d</sup> bill, & Mr. Janes was appointed to assign the reasons therefor to the House of Representatives.

The House sent up, for concurrence in the reference, the following, to wit, "An act ascertaining the principles on which the list of this State shall be made, & directing Listers in their office & duty," with an order of reference thereon to a select committee of four members of the House to join from Council, & Mr. Jenison was appointed from Council.

Rec<sup>d</sup> from the House, for concurrence in passing, the following, to wit, "*Resolved*, the Governor & Council concurring herein, that the Judiciary Committee, to whom was referred the petition of the Trustees

of Caledonia County Grammar School established at Lyndon, praying for a partition of the rents & profits of the County Grammar School lands in said County, be instructed to report the number of Grammar School lots in said County; where located; the number leased; and the amount of rents received, payable annually"; Whereupon: *Resolved* to concur in passing said resolution.

Rec<sup>d</sup>. from the House for revision &<sup>a</sup> an engrossed bill entitled "An act in addition to an act incorporating the village of Brattleborough," which was read, Whereupon: *Resolved* to concur in the passage of said bill. *Ordered* that the Secretary inform the House of such concurrence.

The Governor & Council proceeded to the Representatives' room on an adjournment of the Joint Committee; after which they returned to their Chamber.<sup>1</sup>

Mr. Cahoon introduced the following resolution, to wit, "Resolved, the House of Representatives concurring herein, that the Committee on Education be instructed to inquire into the expediency of so amending an act entitled 'an act ascertaining the principles on which the list of this State shall be made, & directing listers in their office & duty,' as to exempt all lands & buildings improved for the purposes of education, from taxation, and report by bill or otherwise," which was read, Whereupon: *Resolved* to pass said resolution. Adjourned to 9 o'clock tomorrow morning.

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WEDNESDAY, Oct<sup>r</sup> 30, 1833. 9 o'clock A. M.

The Governor & Council met agreeably to adjournment. Mr. Janes, who was appointed to assign the reasons of the Governor & Council for their non-concurrence in the two engrossed bills entitled "An act altering the name of the town of Jay," & "An act altering the name of Westmore," reported the following, to wit, in writing, 1<sup>st</sup> That the non-resident land holders & others are liable to be deceived & to sustain great loss in the changing of the names of towns, and 2<sup>d</sup>. It leads to mistakes, troubles & cost in legal proceedings; which were read & adopted, and it was *Ordered* that the Secretary return said bill to the House, with the reasons afores<sup>d</sup> & inform that body of their non-concurrence in passing said bills.

Rec<sup>d</sup>. from the House for concurrence in passing the following resolution, to wit, "Resolved the Governor & Council concurring herein, that the two Houses meet, in joint committee, in the Representatives' room, on Thursday next at 3 o'clock afternoon, for the purpose of electing a Brigadier General of the 1<sup>st</sup> Brigade & 3<sup>d</sup>. Division of the Militia of this State, to fill the vacancy occasioned by the resignation of General William Nash"; which was read; Whereupon: *Resolved* to concur in passing said resolution; and it was *Ordered* that the Secretary inform the House of such concurrence.

Rec<sup>d</sup>. from the House for concurrence in passing the following resolution, to wit, "Resolved, the Governor & Council concurring herein, that the Committee of Ways & Means be instructed to inquire whether any appropriation is necessary to be made, at this time, for the support & education of the deaf & dumb, & report by bill or otherwise," which was read; Whereupon: *Resolved* to concur in passing said resolution.

Rec<sup>d</sup> also, "An act in addition to an act entitled an act to preserve fish in Hinesburgh Pond," with an order of reference thereon to a select committee of two members of the House to join from Council; Mr.

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<sup>1</sup>The following appointments were made: Rev. Warren Skinner to preach the next election sermon, and Rev. John M. Austin substitute.

Griswold was appointed. *Also* "An act to incorporate the Lowell Manufacturing Company," with an order of reference thereon to the Committee on Manufactures. Whereupon : *Resolved* to concur in said several orders of reference. Adjourned to 2 o'clock this afternoon.

2 O'CLOCK P. M.—The Governor & Council met agreeably to adjournment. The House sent up for revision &c. an engrossed bill entitled "An act in addition to an act entitled 'an act defining what shall be deemed and adjudged a legal settlement, & for the support of the poor, for designating the duties of the overseers of the poor, & for the punishment of idle & disorderly persons'"; which was read, and the following proposals of amendment offered, to wit, "insert in the title to this bill, in the first line, the words '*passed Nov. 18, 1824*' immediately after the word '*act*,' & immediately before the word '*entitled*'"; which were adopted, Whereupon : *Resolved* to concur in passing said bill as amended. *Ordered* that the Secretary inform the House accordingly.

Rec<sup>d</sup> from the House, for concurrence in the reference, the following, "An act to incorporate the President, Directors & Company of the Farmers' & Mechanics' Bank at Burlington," with an order of recommitment thereon to the Committee on Banks. *Also* rec<sup>d</sup>. "The petition of Randolph Turnpike Company for a surrender of their charter," with an order of reference thereon to the Committee on Roads & Canals. *Also*, "The petition & memorial of James Milligan in behalf of the Covenanters, praying that the privilege of holding real estate may be granted them, without taking the oath of allegiance," with an order of recommitment thereon to the Judiciary Committee; Whereupon : *Resolved* to concur in said order of reference & in the said orders of recommitment.

Rec<sup>d</sup> from the House for concurrence in passing the following resolution, to wit, "*Resolved*, the Governor & Council concurring herein, that the General Committee be instructed to inquire into the expediency of providing for the instruction of the blind in this State, in the same manner that the deaf & dumb are now provided for," read; Whereupon : *Resolved* to concur in passing said resolution.

The petition of Russell Tooley, a prisoner now confined in the common Jail at Rutland, in the County of Rutland, praying for a remission of the fine & costs, and for a discharge from imprisonment, was called up, Whereupon : *Resolved* to remit said fine & costs & to discharge said Russell Tooley from imprisonment.

Rec<sup>d</sup> from the House for concurrence in passing the following resolution, to wit, "*Resolved*, the Governor & Council concurring herein, that our Senators in Congress be instructed, & our Representatives in Congress be requested, to use their efforts & influence to procure a law to be passed increasing the duty on foreign marble," which was read; Whereupon : *Resolved* to concur in passing said resolution, and it was *Ordered* that the Secretary inform the House of such concurrence.

Rec<sup>d</sup> from the House for concurrence in the reference the following, to wit, "An act annexing the Town of Woodbury to the County of Washington, & for other purposes," & "An act locating the County buildings in the County of Caledonia at St. Johnsbury in said County," with an order of reference on each to the members of the House from Caledonia County to join from Council; Whereupon : *Resolved* to concur in said orders of reference & Mr. Cahoon was appointed from Council.

Rec<sup>d</sup> from the House for concurrence in passing the following resolution, to wit, "*Resolved*, the Governor & Council concurring herein, that the Quarter Master General be directed to make a detailed report to the next session of the Legislature of the number and condition of the arms under his care, & also of the number of pieces of ordnance on hand, & of the number & to whom loaned"; which was read; Whereupon : *Resolved*

to concur in passing said resolution, and it was *Ordered* that the Secretary inform the House of such concurrence.

Rec<sup>d</sup>. from the House for concurrence in the reference the following, to wit, "An act to incorporate the persons therein named by the name of the Barnet Cotton & Woolen Manufacturing Company," with an order of reference thereon to the Committee on Manufactures. *Also* "An act to incorporate the Winooski Company," with an order of reference thereon to the Committee on Roads & Canals; Whereupon: *Resolved* to concur in said several orders of reference.

Rec<sup>d</sup>. *also*, for concurrence in passing, the following resolution, to wit, "*Resolved*, the Governor & Council concurring herein, that the Judiciary Committee be instructed to inquire into the expediency of authorizing the Secretary of State to procure & preserve complete files of such newspapers as have, by virtue of law, published notices of Proprietors' meetings & collectors of land taxes, from 1783 to the present time, & report by bill or otherwise"; *Also* "*Resolved*, the Governor & Council concurring herein, that His Excellency the Governor be requested to ascertain the number & condition of the arms heretofore distributed to the several towns in this State, & cause them, as far as may be, to be collected in such place or places as he may deem expedient," with an order of reference thereon to the Committee on Military affairs—Whereupon: *Resolved* to concur in passing the foregoing resolutions.

The petition of John Blake, a prisoner confined in the common Jail at Woodstock in the County of Windsor, was taken up and *Ordered* to be dismissed. Adjourned to 9 o'clock tomorrow morning.

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THURSDAY Oct<sup>r</sup> 31, 1833. 9 o'clock A. M.

The Governor & Council met agreeably to adjournment. Mr. Robinson asked & obtained leave of absence from & after to day for the remainder of the session.

The petition of Jacob Wheeler, a prisoner, now confined in the common Jail at Rutland in the County of Rutland, on a conviction for assault & battery, praying for a remission of his fine & for a discharge of s<sup>d</sup>. Wheeler from imprisonment, on his paying the costs of prosecution; Whereupon: *Resolved* to remit said fine.

The petition of Clark Watson, praying for pardon & for restoration to his legal privileges, was taken up; Whereupon: *Resolved* that the prayer of said petitioner be granted.

Rec<sup>d</sup>. the engrossed bill entitled "A act in addition to an act constituting a Court of Chancery," and the same having been laid on the table, was now called up & after much deliberation & discussion was again *ordered* to lie on the table.

Mr. Griswold introduced the following, to wit, "An act in alteration of & to amend an act establishing a Corporation by the name of the Champlain Transportation Company," which was read; Whereupon: *Resolved* to refer the same to the Committee on Roads & Canals.

Rec<sup>d</sup>. from the House for concurrence in the reference the following, to wit, "An act to prevent fraudulent attachments," with an order of reference thereon to the Judiciary Committee. *Also* "The petition of Timothy Locke & others praying to be annexed to the town of Kirby," with an order of reference thereon to the Committee on the petition of Silas Hibbard &c. *Also*, "The memorial of the Anti Masonic State Convention, praying that a law may be passed prohibiting the administration of extra judicial oaths," with an order of reference thereon to the Committee on extra judicial oaths. *Also* "An act to incorporate the Winooski Manufacturing Company," with an order of reference thereon

to the Committee on Manufactures. Also, "The remonstrance of Josiah Wright & 800 others against the petition of Passumpsic Turnpike Company," with an order of reference thereon to the Committee on Roads & Canals. Whereupon: *Resolved* to concur in said several orders of reference.

Rec<sup>d</sup>. from the House, for concurrence in passing, the following resolution, to wit, "Resolved, the Governor & Council concurring herein, that the executive of this State be requested to signify to the Governor of Lower Canada, & his executive officers, the sense of gratitude felt by this legislature for their cordial & efficient exertions in uprooting the desperate & extensive combination of forgers & counterfeiters of bank bills & coin, who were collected & located within the limits of that *Province*," which was read; Whereupon: *Ordered* to be laid on the table. Adjourned to 2 o'clock P. M.

[2 O'CLOCK P. M.]—The Governor & Council met agreeably to adjournment. The engrossed bill entitled "An act in addition to an act constituting a Court of Chancery," was called up, and read; Whereupon: *Resolved* to nonconcur in passing said bill & Mr. Cobb was appointed to report the reasons therefor to the Governor & Council.

The Governor & Council proceeded to the Representatives' room on a joint resolution—after which they returned to their Chamber.<sup>1</sup>

Rec<sup>d</sup>. from the House for revision &c. an engrossed bill entitled "An act directing the Quarter Master General to furnish a field piece to the Franklin Artillery Company attached to the 3<sup>d</sup>. regiment 3<sup>d</sup>. Brigade & 3<sup>d</sup>. Division of the Militia of this State," which was read; Whereupon: *Resolved* to concur in passing said bill. Rec<sup>d</sup>. also an engrossed bill for revision &c. entitled "An act incorporating the first School District in Rockingham, for the purposes therein mentioned"; read; Whereupon: *Resolved* to concur in the passage of said bill. And it was *Ordered* that the Secretary inform the House of the concurrence of the Governor & Council in the passage of the two last mentioned bills. Adjourned to 9 o'clock tomorrow morning.

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FRIDAY Nov. 1, 1833. 9 o'clock A. M.

The Governor & Council met agreeably to adjournment. Mr. Cobb, who had been appointed to report reasons for the non concurrence of the Governor & Council in the passage of the engrossed bill entitled "An act in addition to an act entitled an act constituting a Court of Chancery," offered the following, to wit, "1<sup>st</sup>. The Governor & Council are not advised that the Court of Chancery is in want of any additional power, or authority to enforce its decrees in as summary a manner as justice & the rights & interests of parties require. 2<sup>d</sup>. This bill, if passed, makes an innovation upon the long established course of proceedings in Courts of Chancery—tribunals peculiarly calculated to afford relief in certain cases, and necessarily attended with some delay. It also deprives the defendant of the privilege of a hearing before such Court on a motion to enforce its decrees, which may *increase* rather than *diminish* litigation, & render proceedings in Chancery still more dilatory. 3<sup>d</sup>. The Governor & Council believe that this bill, if passed, would be retrospective in its operations," which, on being read, were adopted by the Governor & Council; and it was *Ordered* that the Secretary return said bill, with the reasons aforesaid, to the House of Representatives.

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<sup>1</sup> Charles C. Everest was elected Brigadier General.

Mr. Howe introduced a Bill entitled "An act to regulate the Choice of a Council of Censors," which was [read] and *Resolved* to refer the same, on the concurrence of the House, to the Judiciary Committee.

Rec<sup>d</sup>. from the House for concurrence in passing the following resolution, to wit, "Whereas a large amount of money has been appropriated from the Treasury of the United States for various works of internal improvement; and whereas the State of Vermont has not received a just & fair proportion of the benefit of such appropriations: therefore, *Resolved*, the Governor & Council concurring herein, that our Senators in Congress be instructed, & our Representatives be requested, to use their most strenuous exertions to obtain from the General Government the payment of the balance believed to be justly due said State, by reason of the partial & unequal distribution of the benefits of such appropriations amongst the States & Territories"; which was read and *Ordered* to lie on the table.

The petition of Hiram Lee, a convict in the State prison, which was dismissed on the 15<sup>th</sup> ultimo, was called up, and on motion, *Resolved* to recede from the vote dismissing said petition, and the question "Shall the said Hiram be discharged from State prison?" was determined in the negative. Those who voted in the affirmative were Messrs. Cahoon, Cobb, Graves, Loveland & Sherman; those who voted in the negative were, His Honor the L<sup>t</sup> Governor, Messrs. Birchard, Brainerd, Griswold, Howe, Jaues, & Jenison. Yeas 5. Nays 7.

Rec<sup>d</sup>. for concurrence in passing, from the House, the following, to wit, "Resolved, the Governor & Council concurring herein, that a Committee be raised, consisting of the members of the County of Chittenden, to join from Council, to take into consideration the propriety of dividing the County of Chittenden into two distinct probate districts, & that they have leave to report by bill or otherwise," which was read; Whereupon: *Resolved* to concur in passing said resolution & Mr. Griswold was appointed from the Council.

The resolution laid on the table yesterday forenoon, requesting the Executive of this State to signify to the Governor of Lower Canada &c. was now called up, and the following proposal of amendment offered, to wit, "Strike out all after the word 'signify' in the 3<sup>d</sup> line & insert in lieu thereof the following, to wit, 'to His Excellency the Governor of Lower Canada & his Executive officers, the sense of gratitude felt by this Legislature for their cordial & efficient exertions in apprehending & bringing to justice the extensive combination of forgers & counterfeiters of American coin & bank bills, that were located within the limits of that Province,' which said proposals of amendment were adopted by the Governor & Council, Whereupon: *Resolved* to concur in passing said resolution as amended, and it was *Ordered* that the Secretary inform the House accordingly. Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—The Governor & Council met agreeably to adjournment. The petition of Abraham Mockridge, praying for a Pardon & for restoration to his legal privileges, was read, Whereupon: *Resolved* that the prayer of the petitioner be granted.

Rec<sup>d</sup>. from the House for revision &c. an engrossed bill entitled "An act relating to bills of exchange & promissory notes," which was read; Whereupon: *Resolved* to concur in passing said bill. *Ordered* that the Secretary inform the House of such concurrence.

Rec<sup>d</sup>. from the House for revision &c. an engrossed bill entitled "An act restoring Abraham Mockridge to his legal privileges," which was read; Whereupon: *Resolved* to nonconcur in passing said bill, and Mr. Jenison was appointed to assign the reasons for such nonconcurrence to the House of Representatives.

Rec<sup>d</sup>. also "An act restoring Andrew Ralston to his legal privileges," which was read; Whereupon: *Resolved* to nonconcur in passing said bill, & Mr. Howe was appointed to assign the reasons therefor.

Mr. Partridge, one of the members of the House of Representatives, appeared in the Council Chamber & informed that the House had non-concurred in the amendment proposed by the Governor & Council, striking out the 6<sup>th</sup> Section of the engrossed bill entitled "An act incorporating the Newbury Seminary," and further informed that the House had concurred in the further amendment proposed by the Governor & Council, of annexing an additional section to said bill; after which he withdrew.

Rec<sup>d</sup>. from the House for revision &c. an engrossed bill entitled "An act concerning corporations," which was read; Whereupon: *Resolved* to non-concur in the passage of said bill; & Mr. Jenison was appointed, to offer the reasons therefor, who forthwith reported the following, to wit, 1<sup>st</sup>. "That every act of incorporation ought, on the face of it, distinctly to show the rights vested by the charter. 2<sup>d</sup>. That the repeal of this act, by some future Legislature, may vest rights in corporations, which may be chartered during the existence of the general law, which were never intended to be vested or given by the Legislature when the said acts of incorporation were passed," which were read & adopted. *Ordered* that the Secretary return said bill, with the reasons, to the House &c.

Rec<sup>d</sup>. from the House for revision &c. an engrossed bill entitled "An act relating to bills of exchange & promissory notes," which was read; Whereupon: *Resolved* to concur in passing said bill. *Ordered* that the Secretary inform the House of such concurrence.

Mr. Howe, who was appointed to offer reasons for the non concurrence of the Governor & Council in the passage of the bill entitled "An act restoring Andrew Ralston to his legal privileges," presented the following, which were adopted, to wit, "That, by the Constitution of this State, the power is vested in the Governor & Council 'to grant pardons & remit fines, in all cases whatever except in treason & murder,'" and it was *Ordered* that the Secretary return said bill & the reasons aforesaid to the House of Representatives.

The House sent up for concurrence in the reference the following, to wit, "The petition of Amos Binney, praying that an act may be passed incorporating himself & associates by the name of The Boston Copper Mining Company," with an order of reference thereon to the Committee on Manufactures. Also "The petition of Jefferson Wright & others, praying for the incorporation of a Bank at Proctorsville," with an order of reference thereon to the Committee on Banks. Also "The petition of John Marsh & others for a Bank at Perkinsville, in the town of Weathersfield," and "An act to incorporate the Farmers, Mechanics, & Manufacturers' Bank at Springfield," with an order of reference on each to the Committee on Banks. Also "An act postponing the time for making a road in Plymouth," with an order of reference thereon to the Com. on Roads & Canals. Also "An act assessing a tax on the County of Essex," with an order of reference thereon to a committee of the members of the House from the said County of Essex, to join from Council, & Mr. Graves was appointed from Council. Whereupon: *Resolved* to concur in the said several orders of reference.

The engrossed bill entitled "An act incorporating the Newbury Seminary" was taken up and read, Whereupon: *Resolved* to recede from the vote taken striking out the 6<sup>th</sup> section of said bill, and Thereupon: *Resolved* to concur in passing said bill. *Ordered* that the Secretary inform the House accordingly.



The resolution requesting the Governor to furnish & present a Sword &c. to Lt. Horace B. Sawyer &c. was again called up, and the question "Will the Governor & Council concur with the House in the passage of said resolution?" was determined in the negative. Yeas 1. Nays 10. The member of the Council voting in the affirmative was Mr. Griswold; those who voted in the negative were, the Lt. Governor, Messrs. Birchard, Brainerd, Cobb, Graves, Howe, Janes, Jenison, Loveland & Sherman.

The petitions of Newman Parker & Abel Potter, prisoners, now confined in the common jail at Bennington in the County of Bennington, praying for a remission of their fines & costs, were, severally, taken up; Whereupon: *Resolved* that the prayers of the aforesaid petitions be granted. Adjourned to 9 o'clock tomorrow morning.

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SATURDAY NOV. 2<sup>d</sup>. 1833. 9 o'clock A. M.

The Governor & Council met agreeably to adjournment. Rec<sup>d</sup> from the House for concurrence in the recommitment to the Committee on Agriculture the following, to wit, "An act to incorporate certain persons therein named by the name of The Vermont Farming Company"—Whereupon: *Resolved* to concur in said order of recommitment.

The petition of John Lamphire, a prisoner now confined in the common Jail at Burlington, in the County of Chittenden, on a conviction for assault & battery, praying for a remission of his fine & costs & for a discharge from imprisonment, was taken up; Whereupon: *Resolved* to remit said fine and costs & discharge s<sup>d</sup>. John Lamphire from further imprisonment.

Rec<sup>d</sup> from the House for revision &c. an engrossed bill entitled "An act directing the Treasurer to pay Gilman Huntley the sum therein mentioned"; which was read; Whereupon: *Resolved* to concur in passing said bill. *Ordered* that the Secretary inform the House of such concurrence.

Rec<sup>d</sup> from the House for concurrence in the reference the following, to wit, "An act to authorize Town Clerks to take the acknowledgment of deeds," with an order of reference thereon to the General Committee, Whereupon: *Resolved* to concur in said order of reference.

The petition of Samuel E. Ingram, a prisoner now confined in the common jail at Burlington in the County of Chittenden, on a conviction for assault & battery, praying for a remission of his fine & costs & to be released from further imprisonment, was taken up & read, Whereupon: *Resolved* to remit said fine & costs & that s<sup>d</sup>. Samuel E. Ingram be released from further imprisonment.

The House sent up for revision &c. an engrossed bill entitled "An act providing for the compiling and printing an additional volume of the laws of this State"; which was read; Whereupon: *Resolved* to concur in passing said bill. *Also*, "An act laying a tax on the lands in Sheffield," which was read; Whereupon: *Resolved* to concur in passing said bill. *Also* "An act laying a tax on the lands in Ripton," which was read; Whereupon: *Resolved* to concur in passing said bill. *Also* "An act for the relief of the Orwell Band of Music," which was read; Whereupon: *Resolved* to concur in passing said bill. *Also* "An act in addition to an act entitled an act to incorporate the President, Directors & Company of the Essex Bank," which was read; Whereupon: *Resolved* to concur in passing said bill. *Ordered* that the Secretary inform the House of the concurrence of the Governor & Council in the passage of the five last mentioned bills. Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—The Governor & Council met pursuant to adjournment. Rec<sup>d</sup> from the House, for revision &c an engrossed bill entitled "An act to encourage the destruction of Crows within this State," which was read, & the following proposal of amendment offered, to wit, strike out of the 7<sup>th</sup> line of the 2<sup>d</sup> section the words "crow was killed" & insert in lieu thereof the words *person resides*, and also strike out of the 9<sup>th</sup> & 10<sup>th</sup> lines of the same section the words "on oath or affirmation," and also strike out, in the 13<sup>th</sup> line thereof, the word "thereof" & insert in lieu thereof the words *that such crow was killed within this State as aforesaid*, and also strike out the following words, commencing with the two last words in the 21<sup>st</sup> line & ending in the 25<sup>th</sup> line, to wit, "and the several Town Clerks, within this State, are hereby empowered to administer the oath herein required to be taken by the applicant for the certificate aforesaid"; which said several amendments were adopted; Whereupon: *Resolved* to concur in the passage of said bill as amended. *Ordered* that the Secretary inform the House accordingly.

Rec<sup>d</sup> from the House for concurrence in reference the following, "An act authorizing the Randolph Turnpike Company to surrender their charter," with an order of recommitment thereon to the Committee on Roads & Canals; Whereupon: *Resolved* to concur in said order of recommitment.

Rec<sup>d</sup> from the House for revision &c an engrossed bill entitled "An act to repeal an act therein mentioned," which was read; Whereupon: *Resolved* to concur in the passage of s<sup>d</sup> bill. Rec<sup>d</sup> also for revision &c an engrossed bill entitled "An act laying a tax on the lands in Glover," which was read; Whereupon: *Resolved* to concur in the passage of said bill. Rec<sup>d</sup> also, "An act in addition to and in amendment of an act entitled 'an act to authorize the Supreme Court to empower Guardians to sell the real estate of their wards,' and of an act in addition thereto, passed Oct<sup>r</sup> 21, 1823"; which was read; Whereupon: *Resolved* to concur in passing said bill. Rec<sup>d</sup> also for revision &c "An act directing the Treasurer to pay Augustus Young the sum therein mentioned," which was read; Whereupon *Resolved* to concur in passing s<sup>d</sup> bill. Rec<sup>d</sup> also for revision &c "An act to repeal an act therein mentioned," which was read; Whereupon: *Resolved* to concur in passing said bill. *Ordered* that the Sec<sup>y</sup> inform [the House] in the 5 last mentioned bills of the concurrence of the Governor & Council. Adjourned to 9 o'clock Monday morning next.

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MONDAY Nov. 4, 1833. 9 o'clock A. M.

The Governor & Council met agreeably to adjournment. Rec<sup>d</sup> from the House for revision &c an engrossed bill entitled "An act in addition to an act establishing permanent salaries, & for regulating certain fees & taxable costs," which was read; Whereupon: *Resolved* to nonconcur in the passage of said bill; and Mr. Howe was appointed to report the reasons therefor.

Rec<sup>d</sup> also for revision &c "An act in addition to an act entitled an act constituting Probate Courts & defining their powers, & regulating the settlement of testate & intestate estates, and the guardianship of minors & insane persons, passed Nov. 15, 1821"; which was read, and *Ordered* to lie on the table. Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—The Governor & Council met agreeably to adjournment. The House sent up for concurrence in passing, "The Report of the Committee on Roads & Canals, in relation to the obstructions at the

out-let of Lake Champlain, & certain resolutions accompanying the same," which were read, and *Ordered* to lie on the table.

Rec<sup>d</sup> from the House for concurrence in passing, the following resolution, to wit, "Resolved, the Governor & Council concurring herein, that both Houses meet in the Representatives' room on Friday next at 6 o'clock forenoon for the purpose of adjourning the Legislature without day," which was read, and *Ordered* to lie on the table. Rec<sup>d</sup> also "Resolved that it is inexpedient to build a New State House agreeably to & in conformity with the plan & model furnished by the Committee to prepare a place for a new State House," which contained an order of reference thereon to the Committee raised on the subject of the new State House, & the same being read, Whereupon: *Resolved* to concur in referring said resolution to said Committee. Rec<sup>d</sup> also, the following, to wit, "Resolved that it is expedient to proceed in the building of a new State House, on the scite [site] selected for that purpose, & that said building ought to be constructed of Brick, and of dimensions equal to that proposed by the plan of the Committee, & of the same or similar internal arrangement; that said House ought to be constructed of the best materials, & finished externally with all the plainness consistent with strength, & a proper regard for architectural rules, & without portico or dome, & that the expense of said House, with the scite & all the appendages of out buildings, yard & inclosing, ought not to exceed the sum of fifty thousand dollars; & the Superintendent & architect in the discharge of their duties shall be limited to that sum, including subscriptions now made; Resolved that if any individuals or towns shall be induced from patriotic motives, State pride, taste in architecture, or any other motive, to make voluntary donations to be applied to the building of a new State House, the Superintendent of the building shall be at liberty to receive the same and apply such donations to the uses designed, not thereby increasing the expense to the State," with an order of reference of the House of s<sup>d</sup> resolutions &c. to the Committee raised on the subject of the new State House; read; Whereupon: *Resolved* to concur in referring the same.

The House returned, with an order of that body thereon, of concurrence in the reference, the bill entitled "An act to regulate the choice of a Council of Censors," and the same was passed to the Judiciary Committee. Rec<sup>d</sup> from the House for concurrence in the reference the following to wit, "The Auditor's report of the Treasury Department," with an order of reference thereon to the Committee of Ways & Means; Whereupon: *Resolved* to concur in said order of reference. Adjourned to 9 o'clock tomorrow morning.

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TUESDAY Nov. 5, 1833. 9 o'clock A. M.

The Governor & Council met agreeably to adjournment. Mr. Howe, who was appointed to report reasons for the nonconcurrence of the Governor & Council in the engrossed bill entitled "An act in addition to an act establishing permanent salaries & for regulating certain fees and taxable costs," offered the following, to wit, 1<sup>st</sup> That jurors attending before Justices of the Peace, by the present law, are as well paid, if not better, than Jurors attending before our County Courts. In most cases their fees are amply sufficient, & to make a general law to provide for extreme cases would be manifestly impolitic & unjust. This, like many others, must be considered as one of the duties imposed upon a portion of community for the common benefit of all, without, in every case, expecting an exact equivalent for the services performed. 2<sup>d</sup> The

passage of this bill will so increase the expense of trials by Jury, before Justices of the Peace, as to deprive a considerable portion of our citizens of the privilege of such trial—especially so long as “the party praying for the Jury” is required to advance their fees. Three dollars is a large sum for the *poor* man to raise, [and] this must generally be done with only six days notice. Should this bill pass, there must be an end to trials by Jury before Justices of the Peace in numerous cases, for many a poor man cannot possibly raise this sum, & such will be compelled to submit to a trial before a magistrate always selected by the opposite party, in whom he may have but little confidence. 3<sup>d</sup>. This bill is contrary, if not to the letter, certainly to the spirit of our constitution & frame of government, which declares that “every person ought to obtain right & justice freely, & without being obliged to purchase it; completely, & without denial; promptly & without delay”; & that “parties have a right to trial by Jury” & that this right “ought to be held sacred”; which were read & adopted; and it was *Ordered* that the Secretary return s<sup>d</sup> bill & the reasons above to the House & inform that body of the nonconcurrence of the Governor & Council in the passage of s<sup>d</sup> Bill.

Rec<sup>d</sup>. from the House for revision &c. an engrossed bill entitled “An act relating to Retailers of Spirituous Liquors, directing the mode of obtaining licenses & regulating Houses of Public Entertainment,” which was read, and the following proposal of amendment was offered, to wit, Strike out the words “or wines” in the first section, which proposal of amendment was not adopted. And the further proposal of amendment was made, to wit, “to strike out the whole of the 10<sup>th</sup> section of said bill,” which was also lost. The following amendment was then proposed, to wit, “insert the word *present* immediately after the word ‘board’ in the 19<sup>th</sup> line of the 5<sup>th</sup> section, & insert the word *present* immediately after the word ‘board’ in the 26<sup>th</sup> line of the same section,” which proposal was adopted. Adjourned to 2 o’clock P. M.

2 O’CLOCK P. M.—The Governor & Council met agreeably to adjournment. The engrossed Bill entitled “An act relating to Retailers of Spirituous Liquors” &c. &c. which was under consideration when the Governor & Council adjourned in the forenoon, was taken up, & the following proposal of amendment was offered, to wit, “to the end of the 5<sup>th</sup> Section add the following words, to wit, *Provided that all such meetings shall be notified in the manner now by law prescribed for warning town meetings,*” which was read & adopted: and the s<sup>d</sup> Bill was then *Ordered* to be laid on the table.

Rec<sup>d</sup>. from the House for reference &c. the following, entitled “A Bill authorizing the Treasurer to pay William T. Hutchinson the sum therein mentioned,” which was referred to Com. of Claims; Whereupon: *Resolved* to concur in s<sup>d</sup> order of reference.

The petition of Andrew Ralston for a Pardon was taken up & read, Whereupon: *Resolved* that the prayer of the petitioner be granted.

The Governor & Council proceeded to the Representatives’ room on an adjournment of the Joint Committee, to complete County nominations, after which they returned to their Chamber, and Adjourned to 9 o’clock tomorrow morning.

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WEDNESDAY Nov. 6, 1833. 9 o’clock A. M.

The Governor & Council met agreeably to adjournment. The engrossed bill entitled “An act relating to Retailers of Spirituous Liquors, directing the mode of obtaining licenses & regulating Houses of Public

Entertainment," was called up & the following proposal of amendment offered, to wit, add to the 5<sup>th</sup> Section the words *Provided that in all cases where a person or persons having a license under the present law which shall expire after the 1<sup>st</sup> day of April next, who shall be approbated by the civil authority as aforesaid, may be assessed in such sum as would be a fair proportion to the amt. such person or persons would be liable to be assessed for the whole year according to the provisions of this act,*" which was adopted. And a further proposal of amendment was offered, to wit, "Strike out the words 'twenty' in the 6<sup>th</sup> line of the 2<sup>d</sup> Section, and also in the 7<sup>th</sup> line of the 3<sup>d</sup> Section, & insert in lieu thereof the word *ten* in both instances," [which were adopted,] and said bill was then *Ordered* to be laid on the table.

Rec<sup>d</sup>. from the House for revision &c. an engrossed bill entitled "An act in addition to an act entitled 'an act constituting Probate Courts and defining their powers, & regulating the settlement of testate and intestate estates, & the guardianship of minors & insane persons,' passed Nov. 15, 1821," and the following proposal of amendment was offered, to wit, insert the word *hereafter* immediately after the word "shall" in the 3<sup>d</sup> line, which was adopted; Whereupon: *Resolved* to concur in passing said bill as amended. *Ordered* that the Secretary inform the House accordingly.

Rec<sup>d</sup>. also for revision &c. an engrossed bill entitled "An act in alteration of the several acts incorporating fire companies in this State"; which was read; Whereupon: *Resolved* to nonconcur in passing said bill, & Mr. Griswold was appointed to report reasons therefor.

Rec<sup>d</sup>. from the House for concurrence in passing the following resolution, to wit, "Resolved, the Governor & Council concurring herein, that Benjamin Swan Esq., late Treasurer of this State, be allowed the sum of seven hundred & thirty two dollars & 25 cents in his account, as stated in the Auditor's report, for Counterfeit & uncurrent Bills, taken during the thirty-three years he has held said office, & that the present Treasurer be authorized to destroy said Bills, and make an entry to that effect on the Treasury books," which was read; Whereupon: *Resolved* to concur in passing said resolution. *Ordered* that the Secretary inform the House of such concurrence.<sup>1</sup>

The engrossed bill entitled "An act laying a tax on the lands in Belvidere," was rec<sup>d</sup>. from the House for revision &c. and the following proposals of amendment were offered, to wit, "insert immediately after the word 'roads' in the 23<sup>d</sup>. line the following words, to wit, *and in case the Committee, appointed to lay out said new roads, do not lay out said roads previous to the 15<sup>th</sup> day of June next, the Committee appointed to superintend the expenditure of said tax is hereby authorized to expend the said remaining half of said tax on the roads in said town,*" which were adopted. Whereupon: *Resolved* to concur in passing said bill as amended. *Ordered* that the Secretary inform the House of such concurrence. Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—The Governor & Council met agreeably to adjournment. Rec<sup>d</sup>. from the House for revision &c. an engrossed bill entitled "An act to annex a part of Avery's Gore to the Town of Kingston" [Granville,] which was read; Whereupon: *Resolved* to concur in passing said bill. Rec<sup>d</sup>. also for revision &c. an engrossed bill entitled "An act making appropriations for the support of Government," which was read; Whereupon: *Resolved* to concur in passing said bill. Rec<sup>d</sup>. also, for revision &c. an engrossed bill entitled "An act assessing a tax for the support of Government," which was read; Whereupon: *Resolved* to

<sup>1</sup> See Vol. IV, p. 531.

concur in passing said bill. Rec<sup>d</sup>. also for revision &c an engrossed bill entitled "An act to regulate the choice of a Council of Censors," which was read; Whereupon: *Resolved* to concur in passing said bill. Rec<sup>d</sup> from the House for revision &c an engrossed bill entitled "An act in addition to & extending the operation of an act to incorporate the Vermont Rail Road Company, passed Nov. 8, 1832," which was read; Whereupon: *Resolved* to concur in passing said bill. Rec<sup>d</sup>. also for revision &c an engrossed bill entitled "An act assessing a tax on the County of Essex," which was read; whereupon: *Resolved* to concur in passing said bill. Rec<sup>d</sup>. also for revision &c an engrossed bill entitled "An act in alteration of and to amend an act entitled 'An act establishing a corporation by the name of the Champlain Transportation Company,'" which was read; Whereupon: *Resolved* to concur in passing said bill. Rec<sup>d</sup>. also for revision &c an engrossed bill entitled "An act to incorporate the Lowell Iron Manufacturing Company," which was read; Whereupon: *Resolved* to concur in passing said bill. Rec<sup>d</sup>. also for revision &c an engrossed bill entitled "An act incorporating certain persons therein named by the name of the Bristol Iron Manufacturing Company," which was read; Whereupon: *Resolved* to concur in passing said bill, with the following amendment, to wit, Strike out the words "or elsewhere" in the 17<sup>th</sup> line. Rec<sup>d</sup>. also for revision &c an engrossed bill entitled "An act for the relief of the Rutland and Stockbridge Turnpike Company," which was read; Whereupon: *Resolved* to concur in passing said bill. Rec<sup>d</sup>. also for revision &c an engrossed bill entitled "An act in addition to an act entitled 'an act directing the proceedings against the Trustees of absconding debtors,'" which was read; Whereupon: *Resolved* to concur in passing said bill. Rec<sup>d</sup>. also for revision &c an engrossed bill entitled "An act to repeal certain sections & parts of sections, and in explanation of an act entitled 'an act to provide for the support of common schools,' and also to repeal an act in addition [to said act,]" which was read; Whereupon: *Resolved* to concur in passing said bill. The engrossed bill entitled "An act relating to retailers of Spirituous Liquors, directing the mode of obtaining licenses, and regulating Houses of public entertainment," was now called up, and the question "Will the Governor & Council concur in passing said bill, as amended?" was determined in the affirmative. Those who voted in the affirmative were Messrs. Brainerd, Graves, Howe, Janes, Loveland & Sherman; those voting in the negative were The L<sup>d</sup> Governor, Messrs. Birchard, Cahoon, Cobb, Griswold, & Jenison. Yeas 6. Nays 6. So it was determined by the casting vote of His Excellency the Governor. *Ordered* that the Secretary inform the House of the concurrence of the Governor & Council in the thirteen last mentioned bills in passing the same. Adjourned to 9 o'clock tomorrow morning.

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THURSDAY NOV. 7, 1833. 9 o'clock A. M.

The Governor & Council met agreeably to adjournment. Rec<sup>d</sup>. from the House, for concurrence in passing, the following resolution, to wit, "Resolved, the Governor & Council concurring herein, that both Houses meet in joint committee, in the Representatives' room at 3 o'clock this afternoon, for the purpose of electing a Major General of the 4<sup>th</sup> Division of the Militia of this State, to fill the vacancy occasioned by the resignation of Major General Benjamin Rolfe, & of filling any other vacancy which may be occasioned thereby"; which was read; Whereupon: *Resolved* to concur in passing said resolution; and it was *Ordered* that the Secretary inform the House of such concurrence.

The resolution fixing on Friday next 6 o'clock forenoon for the adjournment of the Legislature without day, was called up, Whereupon: *Resolved* to concur in passing said resolution; and it was *Ordered* that the Secretary inform the House of such concurrence.

Rec<sup>d</sup>. from the House for concurrence in the reference, the following, to wit, "An act for dividing the funds arising from the Grammar School lands in the County of Orleans," with an order of reference thereon to the Judiciary Committee; and rec<sup>d</sup>. also "The petition of Eunice Hutchinson, widow of the late Elisha Hutchinson who was killed by a stone thrown by the blasting of rocks on the ground for a new State House, praying for relief," with an order of reference thereon to the Committee of Claims—Whereupon: *Resolved* to concur in said several orders of reference.

Rec<sup>d</sup>. from the House for revision &c. an engrossed bill entitled "An act in addition to 'an act authorizing Stewards of Churches to hold lands for certain purposes,' passed Oct<sup>r</sup> 30, 1828," which was read; Whereupon: *Resolved* to concur in passing said bill. Rec<sup>d</sup>. also for revision &c. an engrossed bill entitled "An act in addition to an act entitled 'an act authorizing the building of a State House at Montpelier,'" which was read; Whereupon: *Resolved* to concur in passing said bill. Rec<sup>d</sup>. also for revision &c. an engrossed bill entitled "An act to incorporate the Pownal M<sup>c</sup>Adam Turnpike Company," which was read; and the following proposal of amendment offered, to wit, "Add to the 17<sup>th</sup>. section the following words, *Provided that said Company shall not erect any toll house or gate, upon said road, until they shall cause said road to be so graduated that the ascent shall not, in any place, exceed four degrees*"; and also "add another Section, Viz. Sec. 21. *It is hereby further enacted, That all the privileges of this act shall be under the control of this, or any future Legislature, so as to alter, amend or repeal the same, at pleasure, as the public good may require*"; which proposals of amendment were adopted; Whereupon: *Resolved* to concur in passing said bill with the afores<sup>d</sup> proposals of amendment. Rec<sup>d</sup>. also for revision &c. an engrossed bill entitled "An act incorporating certain persons therein named by the name of the Boston Copper Mining Company," which was read, and the following proposals of amendment offered to wit, "insert the words *or elsewhere* immediately after the word 'Strafford' in the 16<sup>th</sup> line of the first section, & strike out the words 'or elsewhere' from the 17. line of the same section." which were adopted; Whereupon: *Resolved* to concur in passing said bill as amended. Rec<sup>d</sup>. for revision &c. an engrossed bill entitled "An act in addition to & amendment of an act entitled an act laying duties on licenses to Hawkers & Pedlars," which was read, and the following proposal of amendment offered, to wit, "Strike out all of the 3<sup>d</sup>. section after the word 'that' in the first line, and insert the following, to wit, *all fines & forfeitures imposed by this act, or by the act to which this is in addition, shall be paid into the County Treasury in which said offence shall be committed; and instead of the modes provided, by the 4<sup>th</sup>. section of the said act to which this is in addition, for the recovery of said fines & forfeitures, the same shall be recovered by information or indictment before the County Court in the same County where said offence shall be committed. And it shall be the duty of the State's Attornies in the several counties in this State to inform against & prosecute all persons who shall be guilty of any breach of this act, or of the act to which this is an addition. And it shall also be the duty of the Grand Jurors of the several towns in this State to make presentment of all offences against this act, or the act to which this is an addition, to some Justice of the Peace within the same County, that the offenders may be bound over for their [appearance] before the County Court for trial*"; and also, "add the following words to

the last section, to wit, *Provided that this act shall not take effect until the first day of January next*"; which said proposals of amendment were adopted; Whereupon: *Resolved* to concur in passing said bill as amended. Rec<sup>d</sup>. also for revision &c. an engrossed bill entitled "An act directing the Treasurer to pay Daniel Mallary & Harris Hosford the sums therein mentioned," which was read, Whereupon: *Resolved* to concur in passing said bill. Rec<sup>d</sup>. also for revision &c. an engrossed bill entitled "An act in addition to the act passed Nov. 17, 1825, entitled an act for the benefit of common schools," which was read; Whereupon: *Resolved* to concur in passing said bill. Rec<sup>d</sup>. also for revision &c. an engrossed bill entitled "An act to incorporate the Readsboro' Turnpike Company," which was read; Whereupon: *Resolved* to concur in passing said bill. Rec<sup>d</sup>. also for revision &c. an engrossed bill entitled "An act in addition to an act entitled an act ascertaining the principles on which the list of this State shall be made, & directing listers in their office & duty," which was read; Whereupon: *Resolved* to concur in passing said bill. Rec<sup>d</sup>. also for revision &c. an engrossed bill entitled "An act granting a ferry to John S. Larrabee," which was read; Whereupon: *Resolved* to concur in passing said bill, and it was *Ordered* that the Secretary inform the House of the concurrence of the Governor & Council in the passage of the ten last mentioned bills, & also of the several amendments proposed. Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—The Governor & Council met agreeably to adjournment. Rec<sup>d</sup>. from the House for revision &c. an engrossed bill entitled "An act extending the time & continuing in force for a limited period an act entitled 'an act incorporating certain persons therein named by the name of the White River Bridge Company,' passed Nov. 10, 1815," which was read; Whereupon: *Resolved* to concur in passing said bill. *Ordered* that the Secretary inform the House of such concurrence.

Mr. Griswold, who was appointed to report the reasons for the non-concurrence of the Governor & Council in the passage of the engrossed bill entitled "An act in alteration of the several acts incorporating fire Companies in this State," submitted the following, to wit, "1<sup>st</sup>. By the provisions of most of the acts of incorporation heretofore granted for the purpose of forming fire companies in the several Villages in this State, a certain number of persons, generally not exceeding twenty-five, to each good sized fire engine, to be by them worked & kept in good repair, are exempted from military duty in time of peace. And the Council consider, that by such provisions the faith of the State is pledged to said companies not to interfere with such exemption; & that sound policy requires that said exemptions ought to be still enjoyed by said companies, with a view to encourage suitable able bodied persons to perform this arduous duty, & thereby save great expense to said Companies, already sufficiently burdened, with the expense of purchasing the fire engines & apparatus attached thereto. 2<sup>d</sup>. This policy, as the Council believe, has become more evident since the establishment of the Vermont Mutual Fire Insurance Company, in which institution the citizens of this State have now become very generally interested; and that suitable & proper encouragement ought to be afforded to liberal individuals who already have [advanced] & will continue to advance monies for the purchase of fire engines & apparatus so essentially necessary, especially in compact villages, for the protection of property against the destructive ravages occasioned by fire. 3<sup>d</sup>. The labor & duties to be performed by members of fire companies are, usually, more burdensome, expensive & arduous than the duties of the Militia, whose polls are exempt from taxation in consequence of performing such duties, while



the members of fire companies have no right or claim to such exemption," which were adopted; & it was *Ordered* that the Secretary return said bill, & the reasons aforesaid for non concurrence of the Governor & Council in the passage thereof, & inform the House accordingly.

Rec<sup>d</sup> from the House for revision &c. an engrossed bill entitled "An act granting a ferry to Hiram Fuller," which was read; Whereupon: *Resolved* to concur in passing said bill. Rec<sup>d</sup> also for revision &c. an engrossed bill entitled "An act in addition to an act for the punishment of certain inferior crimes & misdemeanors," which was read; Whereupon: *Resolved* to concur in passing said bill. Rec<sup>d</sup> also for revision &c. an engrossed bill entitled "An act to repeal part of an act therein mentioned," which was read; Whereupon: *Resolved* to concur in passing said bill. Rec<sup>d</sup> also for revision &c. an engrossed bill entitled "An act authorizing the Treasurer to borrow the sum therein mentioned," which was read; Whereupon: *Resolved* to concur in passing said bill. *Ordered* that the Secretary inform the House of the concurrence of the Governor & Council in the passage of the four last mentioned bills. Rec<sup>d</sup> also, for revision &c. an engrossed bill entitled "An act to incorporate the Otter Creek & Champlain Canal Company," which was read, and the following proposals of amendment were offered, to wit, "Strike out the word 'no' in the 3<sup>d</sup> line of the 24<sup>th</sup> Section, & insert the word *any* in lieu thereof, & strike out the words 'shall repeal,' in the same line, & insert in lieu thereof the word *may*, & strike out the word 'below' in the fourth line of the same section & insert in lieu thereof the word *to*"—which were severally adopted; and the question "Will the Governor & Council concur in the passage of said bill as amended?" was determined in the affirmative. Yeas 10. Nays 1. Those who voted in the affirmative were Messrs. Birchard, Brainerd, Cahoon, Cobb, Graves, Griswold, Howe, Janes, Jenison & Sherman. The member voting in the negative was Mr. Loveland. And it was *Ordered* that the Secretary inform the House of such concurrence.

Rec<sup>d</sup> also, for revision &c. an engrossed bill entitled "An act to incorporate & establish the Orange County Independent Grammar School," which was read, & the following proposal of amendment offered, to wit, "Add to the last section of the s<sup>d</sup> bill the following proviso, viz. *Provided that all the privileges of this act shall be under the control of this or any future Legislature, so as to alter, amend or repeal the same at pleasure, as the public good may require*," which was adopted; Whereupon: *Resolved* to concur in passing said bill as amended. *Ordered* that the Secretary inform the House accordingly.

Mr. Howe introduced the following resolution, to wit,

"IN COUNCIL Nov. 7, 1833.

"*Resolved*, that the Secretary be directed to present to Benjamin Owen Tyler, Esquire, the thanks of the Governor & Council for the very elegant copies of his Eulogy to the Memory of Washington, his copy of the Declaration of Independence with fac-similes of the signatures of the signers, and his fine copperplate engraved likenesses of Henry Clay, William H. Crawford, John Adams, John Quincy Adams, General Jackson, Mr. Van Buren, Mr. Clinton, and Mr. Calhoun, which [he] has this day presented to the Governor & Council for the use of the Council Chamber. *Resolved* that the Secretary be also directed to procure the above mentioned pieces to be framed, in birdseye maple or some other native wood of this State, to be hung on the walls of the Council Chamber." Whereupon, unanimously *Resolved* to adopt said resolutions.

Rec<sup>d</sup> from the House for revision &c. an engrossed bill entitled "An act to incorporate the President, Directors & Company of the Farmers' Bank," which was read, & the question "Will the Governor & Council

concur in passing said bill?" was determined in the affirmative. Yeas 9. Nays 1. Those who voted in the affirmative were Messrs. Birchard, Cahoon, Graves, Griswold, Howe, Janes, Jenison, Loveland & Sherman—the member voting in the negative was Mr. Brainerd. *Ordered* that the Secretary inform the House of such concurrence.

The report of the Committee on Roads & Canals respecting the overflowing of Lake Champlain & other evils complained of at the out-let of said Lake, together with the resolutions on the same subject, were taken into consideration & the following amendment proposed, to wit, "add to the last resolution these words, to wit, *and in case of the removal or disability of said Commissioners, or either of them, the Governor may fill the vacancy,*" which was adopted; Whereupon: *Resolved* to concur in passing the same. *Ordered* that the Secretary inform the House accordingly.

Rec<sup>d</sup> from the House for revision &c. an engrossed bill entitled "An act incorporating the Norwich Manufacturing Company," which was read, & the following proposal of amendment offered, to wit, "Strike out all after the word 'act' in the 2<sup>d</sup> line of the 6<sup>th</sup> Section & insert the following words, *shall be under the control of this or any future Legislature so as to alter, amend or repeal the same as the public good may require,*" which was adopted; Whereupon: *Resolved* to concur in passing said bill as amended. *Ordered* that the Secretary inform the House accordingly.

The resolutions requesting our delegation in Congress to use their most strenuous exertions to procure for the [this] State her share of disbursements from the Treasury of the United States, to be applied to works of internal improvement &c. &c. which was laid on the table some days since, was called up & the following amendment proposed by Mr. Janes, to wit, "Strike out all after the word 'whereas' in the first line & insert in lieu thereof the following, *the Congress of the United States have, by special acts, authorized subscriptions to stock, created & controlled by State charters, for the express purpose of aiding & bringing to a successful termination several important works of Internal Improvement, decidedly national in their character, & also from time to time, during every administration of the Federal Government, have, by specific appropriations, in the exercise of their constitutional powers, expended considerable sums of money in other works of a public nature, having for their objects the increasing of the means of trade & facilities of intercourse between the several States, & adding thereby new & more permanent bonds to our Union; & whereas, in the opinion of this Legislature, the State of Vermont has not received a just proportion of the benefits of these disbursements—Therefore, Resolved, the Governor & Council concurring herein, that our Senators in Congress be instructed, & our Representatives requested, to use their most strenuous exertions to obtain from the General Government suitable appropriations of money for improving the navigation of Connecticut River & for aiding in the construction of a Rail Road from Lake Champlain to the eastern seaboard, both which projects are believed to be national in their character & meriting the attention & liberal regard of the national Legislature*"—which were adopted; Whereupon: *Resolved* to concur in passing said resolution as amended. *Ordered* that the Secretary inform the House accordingly.

*Resolved* that when the Governor & Council adjourn, they adjourn to meet at 7 o'clock this evening.

Rec<sup>d</sup> from the House for revision &c. an engrossed bill entitled "An act laying a tax on the lands in Mendon," which was read; Whereupon: *Resolved* to concur in passing said bill. Rec<sup>d</sup> also, for revision &c. an engrossed bill entitled "An act repealing an act therein mentioned," which was read; Whereupon: *Resolved* to concur in passing said bill. Rec<sup>d</sup> also, for revision &c. an engrossed bill entitled "An act for the

benefit of the Blind," which was read; Whereupon: *Resolved* to concur in passing said bill. *Ordered* that the Secretary inform the House of the concurrence of the Governor & Council in the passage of the three last mentioned bills.

Rec<sup>d</sup> from the House for revision &c. an engrossed bill entitled "An act to incorporate the Ascutney Mill Dam Company," which was read; Whereupon: *Resolved* to concur in passing said bill with the following amendment, to wit, "Strike out all of the fourth Section after the word "Corporation" in the 6<sup>th</sup> line of said section, and insert the following, *Provided that this act, after the expiration of twenty years from the passage hereof, shall be under the control of any future Legislature to repeal, alter or amend.*" *Ordered* that the Secretary inform the House accordingly. Adjourned.

7 O'CLOCK P. M.—The Governor & Council met agreeably to adjournment. The House sent up for revision &c. an engrossed bill entitled "An act to repeal an act requiring foreign Bank Stock to be given into the List," which was read; Whereupon: *Resolved* to concur in passing said bill. *Ordered* that the Secretary inform the House of such concurrence.

The Governor & Council were pleased to appoint Cyrus Ware Esq. Surveyor of public buildings.<sup>1</sup>

The following gentlemen, to wit, Henry F. Janes, Jonathan C. Southmayd & Samuel C. Loveland, were appointed by the Governor & Council Commissioners under the third section of an act entitled "An act in addition to & in amendment of the several acts for the purpose of founding the University of Vermont." Daniel P. Thompson Esq. of Montpelier was appointed by the Governor & Council to compile & arrange for printing a second volume of the Compiled laws of this State, under the first Section of an act entitled "An act providing for the compiling & printing an additional volume of the Laws of this State."

<sup>1</sup> CYRUS WARE was one of the remarkable men among the early settlers of Montpelier. A son of Jonathan Ware, born in Wrentham, Mass., May 8, 1769, he came to Hartford, Vt., at about the age of fourteen, and served as apprentice to a blacksmith until he was of age. Though he had received only a common school education, and the reading of the few books and newspapers that came in his way, he entered the office of the late Hon. Charles Marsh of Woodstock as a law student, completed his law studies with the late Jacob Smith Esq. of Royalton, was admitted to the bar in 1799 and settled in Montpelier. He represented that town in the General Assembly 1805 until 1810, and with the Hon. David Wing Jr. was mainly instrumental in locating the State-House at Montpelier. He was chief judge of Caledonia Court 1808 until 1811, when he became ineligible by his residence in the new County of Jefferson, now Washington. From December 1, 1819, until his death, Feb. 17, 1849, Judge Ware was a Justice of the Peace for Washington County, and had by far the largest share of the justice business of Montpelier. He was very adroit in his profession, but never rich; on the contrary, he was for many years poor in this world's goods, but possessed an abundance of quaint wisdom, wit and good humor, which made him an instructive and genial companion.—Thompson's *History of Montpelier*; and Walton's *Vermont Register*.

Rec<sup>d</sup> from the House for revision &c. an engrossed bill entitled "An act directing the Treasurer to pay Eunice Hutchinson the sum therein mentioned," which was read; Whereupon: the question was put, "Will the Governor & Council concur in passing said bill?" & determined in the negative. Those who voted in the affirmative were The L<sup>t</sup> Governor, Messrs. Brainerd, Jones & Loveland: those voting in the negative were Messrs. Cahoon, Cobb, Graves, Griswold, Howe, Jenison & Sherman. Yeas 4. Nays 7. Whereupon: *Resolved* to nonconcur in the passage of said bill, & Mr. Griswold was appointed to report the reasons therefor.

Rec<sup>d</sup>. also for revision &c. an engrossed bill entitled "An act in addition to an act therein mentioned," which was read; Whereupon: *Resolved* to concur in passing said bill. *Ordered* that the Secretary inform the House of such concurrence.

Rec<sup>d</sup>. also for revision &c. an engrossed bill entitled "An act for the relief of Military Pensioners," which was read; Whereupon: *Resolved* to concur in passing said bill. Rec<sup>d</sup>. also for revision &c. an engrossed bill entitled "An act altering the times of Courts in certain Counties," which was read; Whereupon: *Resolved* to concur in passing said bill. Rec<sup>d</sup>. also, for revision &c. an engrossed bill entitled "An act to incorporate the Winooski Manufacturing Company," which was read; Whereupon: *Resolved* to concur in passing said bill. Rec<sup>d</sup>. also, for revision &c. an engrossed bill entitled "An act to incorporate the persons therein named by the name of the Barnet Cotton & Woolen Manufacturing Company," which was read; Whereupon: *Resolved* to concur in passing said bill. *Ordered* that the Secretary inform the House of the concurrence of the Governor & Council in the passage of the four last mentioned bills.

Rec<sup>d</sup>. also from the House for revision &c. an engrossed bill entitled "An act directing the Treasurer to pay Joseph Howes the sum therein mentioned"; read, and the following proposal of amendment offered, to wit, "insert the word *five* immediately after the word "Hundred" in the 4<sup>th</sup> line, & strike out the word "five" in the 5<sup>th</sup> line & insert in lieu thereof the word *thirty*," which was adopted; Whereupon: *Resolved* to concur in passing said bill as amended. *Ordered* that the Secretary inform the House accordingly.

Mr. Griswold, who was appointed to report the reasons for nonconcurrency in the passage of the engrossed bill entitled "An act directing the Treasurer to pay Eunice Hutchinson the sum therein mentioned," presented the following, to wit, "The Council understood, from the Chairman of the Committee of Claims, that the grant of the money in the said bill above mentioned was for the purpose of affording relief & support to the s<sup>d</sup> Eunice Hutchinson, in consequence of the death of her husband, occasioned by the falling of a stone while the workmen were blasting rocks in the village of Montpelier, a short time since, on the scite [ site ] for a new State House. The Governor & Council consider that the Legislature have no constitutional power to appropriate or grant money from the State Treasury for any object of the character above mentioned," which were adopted; & it was *Ordered* that the Secretary return said bill, & the reasons aforesaid, to the House, & inform that body accordingly.

Rec<sup>d</sup>. from the House for revision &c. an engrossed bill entitled "An act directing the States' Attornies in the several counties therein mentioned to prosecute for high crimes & misdemeanors," which was read; Whereupon: *Resolved* to non concur in passing said bill, & Mr. Loveland was appointed to assign the reasons therefor.

Mr. [Azel] Spalding, one of the members of the House of Representatives, appeared in the Council Chamber & informed that the House

had non-concurred with the Governor & Council in nonconcurring in the passage of the bill entitled "An act directing the Treasurer to pay Eunice Hutchinson the sum therein mentioned," & that the House had repassed said bill, & after assigning their reasons for so doing, he withdrew.

Mr. Loveland presented the following reasons for non-concurrence in the passage of the bill entitled "An act directing the State's [Attornies] in the several Counties therein named to prosecute for high crimes & misdemeanors," to wit, "That, in the opinion of the Governor & Council, this bill extends the powers of the State's Attornies, therein named, to an extent which may prove dangerous to the welfare & general interests of community," which were read & adopted; and it was *Ordered* that the Secretary return said bill & the reasons aforesaid to the House of Representatives & inform that body accordingly.

Rec<sup>d</sup>. from the House for revision &c. an engrossed bill entitled "An act directing the Treasurer to pay Edward Donally the sum therein mentioned," which was read; Whereupon: *Resolved* to concur in passing said bill. *Ordered* that the Secretary inform the House of such concurrence.

The engrossed bill entitled "An act directing the Treasurer to pay Eunice Hutchinson the sum therein mentioned" was taken up; Whereupon: *Resolved* to recede from the vote to non concur in passing said bill; and the following proposal of amendment was offered, to wit, "add to said bill the following words, *her husband having been recently killed by a stone thrown by the blasting of rocks in preparing the scite [site] for a New State House,*" which was adopted; Whereupon: *Resolved* to concur in passing said bill as amended, and *Ordered* that the Secretary inform the House of such concurrence.<sup>1</sup>

Rec<sup>d</sup>. from the House for revision &c. an engrossed bill entitled "An act to prevent fraudulent attachments," which was read, & the following proposals of amendment offered, to wit, "Strike out the words "the whole of" in the 5<sup>th</sup> & 6<sup>th</sup> lines of the second section and insert immediately after the word "his" in the sixth line of the second section the word *just*, & immediately after the word "claim" in the same line insert the words *and no fraud or collusion being found or proved to the satisfaction of the Court,*" which were adopted; Whereupon: *Resolved* to concur in passing said bill as amended. *Ordered* that the Secretary inform the House accordingly.

Rec<sup>d</sup>. also, for revision &c. an engrossed bill entitled "An act in addition to (an act) & in explanation of an act ascertaining the principles on which the list of this State shall be made, & directing Listers in their office & duty, passed Nov. 17, 1825," which was read, and the following proposal of amendment offered, to wit, "add these words *Provided this act shall not be construed to [apply to] those dealers in lumber whose trade does not exceed the amount of five hundred dollars annually,*" which

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<sup>1</sup> It will be observed that the Council, on a better understanding of the case, quickly changed its opinion on this bill. Mr. Hutchinson, a worthy citizen of Worcester, aged 33 years, was not an employee of the State, but was attending to his proper business some thirty rods from the scene of the blasting, and sheltered by a building, of course with no apparent reason to apprehend danger. He did not, therefore, in any just sense, contribute to his death by any negligence, and the claimant appealed, not to the generosity of the Legislature, but most properly to its justice.

was adopted ; Whereupon : *Resolved* to concur in passing of said bill as amended. *Ordered* that the Secretary inform the House accordingly.

Rec<sup>d</sup> also, for revision &c. an engrossed bill entitled "An act in relation to extra-judicial oaths," which was read ; Whereupon : *Resolved* to concur in the passage of said bill ; and it was *Ordered* that the Secretary inform the House of Representatives of the concurrence of the Governor & Council in the passage of said bill. Adjourned to 6 o'clock tomorrow morning.

FRIDAY Nov. 8, 1833. 6 o'clock A. M.

The Governor & Council met agreeably to adjournment. Rec<sup>d</sup> a message from the House of Representatives, by Mr. [Pres jr.] West of Thetford, one of its members, informing that the House had, on their part, completed the business of the session, and were ready to meet the Governor & Council in the Representatives' room for the purpose of adjourning the Legislature without day. *Ordered* that the Secretary inform the House of Representatives that the Governor and Council will immediately attend in the Representatives' room to adjourn the Legislature without day.

The Governor & Council proceeded to the Representatives' room, where, after prayer by the Chaplain, His Excellency adjourned the Legislature without day, whereof proclamation was made by the Sheriff of Washington County; after which the Governor & Council returned to their Chamber, and *adjourned without day*.

STATE OF VERMONT ss.—The foregoing from page 1 to page 99 inclusive [of the manuscript Council Journal, Vol. 12.] is a true journal of the proceedings of the Governor & Council at their annual session in the year 1833.

GEO. B. MANSER, *Secretary*.

| DEBENTURE<br>OF THE<br>LIEUT. GOVERNOR & COUNCIL<br>1833. | No. of Miles<br>Travel. | Amount of<br>Travel. | No. of Days<br>Attendance. | Amount of<br>Attendance. | Debenture. |
|---|-------------------------|----------------------|----------------------------|--------------------------|------------|
| Lt Gov. Egerton   | 1                       | 12                   | 30                         | 120.00                   | 120.12     |
| Mr. Birchard  | 105                     | 12.60                | 29                         | 43.50                    | 56.10      |
| " Brainerd  | 60                      | 7.20                 | 30                         | 45.00                    | 52.20      |
| " Cahoon  | 45                      | 5.40                 | 29                         | 43.50                    | 48.90      |
| " Cobb  | 32                      | 3.84                 | 30                         | 45.00                    | 48.84      |
| " Graves  | 47                      | 5.64                 | 30                         | 45.00                    | 50.64      |
| " Griswold  | 38                      | 4.56                 | 29                         | 43.50                    | 48.06      |
| " Howe  | 82                      | 9.84                 | 30                         | 45.00                    | 54.84      |
| " Janes   | 12                      | 1.44                 | 30                         | 45.00                    | 46.44      |
| " Jenison   | 82                      | 9.84                 | 30                         | 45.00                    | 54.84      |
| " Loveland  | 60                      | 7.20                 | 30                         | 45.00                    | 52.20      |
| " Robinson  | 53                      | 6.36*                |                            |                          |            |
| " Sherman   | 136                     | 16.32                | 18                         | 27.00                    | 43.32      |
| Sheriff Brown   | 1                       | 12                   | 30                         | 45.00                    | 45.12      |
| Deputy Sheriff  | 22                      | 2.64                 | 30                         | 45.00                    | 47.64      |
| Librarian   | 1                       | 12                   | 30                         | 45.00                    | 45.12      |

\$814.38

The above was received of the Treasurer by the Sheriff of Washington County, and by him paid over to the members of the Council &c.

\* This debenture paid by the Treasurer.

**CORRECTION OF THE RECORD.**

Secretary Manser entered, in the record of the morning of Nov. 7, 1833, a resolution of the House for a Joint Assembly in the afternoon of the same day. This resolution was concurred in by the Governor and Council, but the Secretary failed to note the Joint Assembly, which met and made the following elections: Stephen Hawkins, Major General of the fourth Division of the Militia of this State, and Stephen Dole, Brigadier General of the second Brigade and fourth Division, vice Hawkins promoted.—See printed *Assembly Journal* of 1833, p. 183.

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**INTERNAL IMPROVEMENTS.**

An important resolution, *ante*, p. 155, originated by Alden Partridge and amended on motion of Councillor Janes, was laid on the table in the House and failed of being reached for want of time. For the original, see printed *Assembly Journal* of 1833, p. 43, and compare with the substitute on p. 155 of this volume.

# FIFTY-EIGHTH COUNCIL.

OCTOBER 1834 TO OCTOBER 1835.

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WILLIAM A. PALMER, Danville, *Governor*.  
LEBBEUS EGERTON, Randolph, *Lieut. Governor*.

*Councillors:*

HENRY F. JAMES, Waterbury,  
ZIMRI HOWE, Castleton,  
DANIEL COBB, Strafford,  
JASPER ROBINSON, Brownington,  
ISAAC SHERMAN, Sandgate,  
SILAS H. JENISON, Shoreham.  
AUSTIN BIRCHARD, Newfane,

WILLIAM A. GRISWOLD, Burling-  
ton,  
GEORGE C. CAHOON, Lyndon,  
ALLEN WARDNER, Windsor,  
HERMAN R. BEARDSLEY, St. Al-  
bans,  
GEORGE GREEN, Swanton.

GEORGE B. MANSEY, Williston, *Secretary*.  
ALVAN CARTER, Barre, *Sheriff*.  
FERRAND F. MERRILL, Montpelier, *Librarian*.

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## BIOGRAPHICAL NOTICES.

ALLEN WARDNER, long a successful merchant and financier of Wind-  
sor, represented that town in the General Assembly 1831 until 1834, and  
again in 1841 ; was Councillor in 1834 and '35 ; and State Treasurer 1837  
and '38. As a man of unquestionable integrity and business capacity,  
he was often appointed to invoice the property and investigate the ac-  
counts of the State-Prison. A daughter of his became the wife of Hon.  
William M. Evarts, the distinguished lawyer and Secretary of State of  
the United States.—*Deming's Catalogue*.

HERMAN RUGGLES BEARDSLEY was admitted to the bar in 1826, rep-  
resented St. Albans in the General Assembly of 1848, and was Council-  
lor in 1834.—*Vt. Historical Magazine*, and *Deming's Catalogue*.

GEORGE GREEN represented Swanton in the General Assembly 1832  
and '33, was Judge of Franklin County Court in 1829 and 1832 until  
1838, Councillor 1834 and '5, and State Senator 1851 and '2.—*Deming's  
Catalogue*.



## RECORD OF THE GOVERNOR AND COUNCIL

AT THE

SESSION WITH THE GENERAL ASSEMBLY AT MONTPELIER, OCTOBER 1834.

A Journal of the proceedings of the Governor and Council of the State of Vermont, at their session begun and holden at Montpelier, on the second Thursday in October, being the ninth day, in the year of our LORD one thousand eight hundred and thirty four, and of the Independence of the United States the fifty ninth. Present

His Excellency William A. Palmer, Governor,  
His Honor Lebbeus Egerton, Lieut. Governor,  
The Hon. Jasper Robinson,  
“ “ Henry F. Janes,  
“ “ Silas H. Jenison,  
“ “ Daniel Cobb,  
“ “ Zimri Howe,  
“ “ George C. Cahoon,  
“ “ Austin Birchard,  
“ “ William A. Griswold,  
“ “ Isaac Sherman,  
“ “ Samuel C. Loveland,  
“ “ Richardson Graves, Councillors.

A message was rec<sup>d</sup>. from the House of Representatives by Mr. [Hon. Paul] Dillingham, one of its members, informing that the House had organized by electing Ebenezer N. Briggs, Speaker *pro tem*. and Robert Pierpoint, Clerk *pro tem*. and were ready to receive any communication which the Gov. & Council might please to make. *Ordered* That the Secretary inform the House of Representatives that the Governor and a quorum of the Council are assembled in the Council Chamber, and are ready to proceed to business.

A message was rec<sup>d</sup>. from the House of Representatives by Mr. [Hon. Thomas D.] Hammond, one of its members, informing that the House had appointed, on their part, a committee to sort & count the votes for Governor, Lieut. Governor, Treasurer and Councillors for the year ensuing, & requesting the Governor & Council to join in said appointment: Whereupon *Resolved* to concur in said appointment, and Messrs. Jenison, Howe and Sherman were appointed from Council, and were duly sworn by His Excellency the Governor, to the faithful discharge of their duty. *Ordered* that the Secretary inform the House of such concurrence & appointment. Adjourned to 5 o'clock P. M.<sup>1</sup>

[ 5 O'CLOCK P. M. ]—The Governor & Council met agreeably to adjournment, & adjourned to 8 o'clock tomorrow morning.

FRIDAY October 10, 1834. 8 o'clock A. M. .

The Governor & Council met agreeably to adjournment. A message was rec<sup>d</sup>. from the House of Representatives by Mr. [ Joshua ] Sawyer

<sup>1</sup> The election sermon was preached by Rev. Warren Skinner.

of Hydepark, one of its members, informing that the House were ready on their part to receive the report of the canvassing committee. *Ordered* that the Secretary inform the House that the Governor & Council will immediately attend in the Representatives' room to receive the report of the canvassing committee.

The Governor & Council repaired to the Representatives' room to receive the report of the Canvassing Committee, when the following report was made, to wit,

*"To the Hon. General Assembly now sitting:* Your Committee, appointed to receive, sort & count the votes for Governor, Lieut. Governor, Treasurer and Councillors, having attended to the duties of their appointment, respectfully report, that the whole number of votes given for Governor was

|   |        |
|---|--------|
| Necessary for a choice                            | 37,759 |
| Of the above number of votes                      | 18,880 |
| His Excellency William A. Palmer [Anti Mason] had | 17,131 |
| The Hon. William C. Bradley [Dem.]                | 10,365 |
| The Hon. Horatio Seymour [Whig]                   | 10,159 |
| Scattering  | 84     |

No individual having rec<sup>d</sup>. the number of votes necessary for a choice, no election for Governor has been made by the freemen for the year ensuing.

The whole number of votes for Lieutenant Governor was

|  |        |
|--|--------|
| Necessary for a choice                                   | 37,579 |
| Of the above number of votes                             | 18,790 |
| His Hon. Lebbeus Egerton [Anti Mason] rec <sup>d</sup> . | 17,069 |
| The Hon. Truman Chittenden [Dem.]                        | 10,408 |
| The Hon. Samuel Clark [Whig]                             | 9,978  |
| Scattering   | 124    |

No individual having rec<sup>d</sup>. the number of votes necessary for a choice, no election for Lieutenant Governor has been made by the freemen for the ensuing year.

The whole number of votes for Treasurer was

|  |        |
|--|--------|
| Necessary for a choice                               | 37,458 |
| Of the above number of votes the                     | 18,730 |
| Hon. Augustine Clark [Anti Mason] rec <sup>d</sup> . | 17,063 |
| Charles R. Cleaves, Esquire, [Dem.]                  | 10,337 |
| John Spalding, Esquire, [Whig,]                      | 9,903  |
| Scattering   | 155    |

No individual having rec<sup>d</sup>. the number of votes necessary for a choice, no election of Treasurer has been made by the freemen for the year ensuing.

The Honorable Isaac Sherman, Austin Birchard, Zimri Howe, Allen Wardner, Silas H. Jenison, Daniel Cobb, William A. Griswold, Henry F. Janes, George C. Cahoon, George Green, Herman R. Beardsley and Jasper Robinson, having each of them rec<sup>d</sup>. a larger number of votes for the office of Councillor than any other individuals, are duly elected Councillors within & for the State of Vermont for the year ensuing. All which is respectfully submitted.

ZIMRI HOWE, *Secretary.*

SILAS H. JENISON *Chairman.*<sup>1</sup>

<sup>1</sup> Of the above list of Councillors, Messrs. Jenison and Griswold were on both the Antimasonic and Whig tickets and received a large majority of all the votes cast. The remaining Councillors were elected by a plurality of votes cast.

The Governor & Council then returned to their Chamber.

Messrs. William A. Griswold, Jasper Robinson, Austin Birchard, Henry F. Janes, Isaac Sherman, Silas H. Jenison, Daniel Cobb and George C. Cahoon, who had been elected Councillors for the year ensuing, appeared in the Council Chamber [and] took and subscribed the oaths of office before Jason Carpenter, Esquire, one of the Justices of the Peace within & for the County of Washington.

Messrs. George Green & Allen Wardner, who had been elected Councillors for the year ensuing, appeared in the Council Chamber & were duly sworn to the faithful discharge of the duties of their office by Hon. Mr. Howe of the Council.

The Council proceeded to organize and made choice of The Hon. Henry F. Janes, President *pro tem*. *Ordered* that the Secretary inform the House of Representatives accordingly.

*Recd.* from the House of Representatives a written communication informing that the House had organized by electing Hon. Ebenezer N. Briggs, Speaker, Edward D. Barber Esquire, Clerk, and Timothy Merrill Esq. Secretary of State, & Daniel P. Thompson Esq. Engrossing Clerk for the year ensuing.

*Recd.* from the House for concurrence in passing, the following Resolution, "Resolved, the Council concurring herein, that both Houses meet in joint Committee in the Representatives' room, at 2 o'clock this afternoon, to elect a Governor, Lt Governor & Treasurer for the year ensuing." Which was read: Whereupon, *Resolved* to concur in passing: and *Ordered* that the Secretary inform the House of such concurrence. Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—The Council met agreeably to adjournment. The Council proceeded to the Representatives' room, on the joint resolution to elect Gov. &c. and the ballots having been received & counted, His Excellency William A. Palmer was duly elected Governor of the State of Vermont for the year ensuing, whereof proclamation was duly made. The ballots for Lieutenant Governor having been received & counted, The Hon. Lebbeus Egerton was duly elected Lieutenant Governor of the State of Vermont for the year ensuing, whereof proclamation was duly made. The ballots for Treasurer having been taken & counted, The Hon. Augustine Clarke was duly elected Treasurer of the State of Vermont for the year ensuing, whereof proclamation was duly made. The joint Committee was then dissolved, & the Council returned to their Chamber, and Adjourned to 9 o'clock tomorrow morning.<sup>1</sup>

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#### <sup>1</sup>POLITICAL NOTE.

The Whig and Democratic politicians acted warily and wisely on this occasion, both of these parties anticipating an early collapse of the Antimasonic party for want of fuel, and each hoping and striving in that event to secure large accessions of strength. Previous to the meeting of the Legislature, a letter from Hon. Horatio Seymour, the Whig candidate for Governor, was published in the *Vermont Watchman and State Gazette*, in which he gave notice that he should not be a candidate in Joint Assembly. The few votes given to Hon. William C. Bradley, the Democratic candidate, indicate that he had made the same intimation to his political friends. The result was that, on the first ballot, Gov. Palmer was elected by a majority of 126 out of 168 votes cast. On the other elections the three parties in the Legislature measured their

SATURDAY Oct<sup>r</sup> 11, 1834. 9 o'clock A. M.

Council met agreeably to adjournment. His Honor Lebbeus Egerton, who had been elected Lieut. Governor for the year ensuing, appeared in the Council Chamber, & was duly sworn to the faithful discharge of the duties of the office by Hon. Mr. Howe of the Council. His Honor the L<sup>t</sup> Governor then took the Chair.

Rec<sup>d</sup>. from House of Representatives for concurrence in passing the following, "Resolved, the Governor & Council concurring herein, that both Houses meet in the Representatives' room at 11 o'clock this forenoon for the purpose of electing a Chaplain for this session." Whereupon, *Resolved* to concur in passing said resolution, and *Ordered* that the Secretary inform the House accordingly.

The L<sup>t</sup> Governor & Council proceeded to the Representatives' room on the foregoing resolution, after which they returned to their Chamber, and adjourned to 2 o'clock P. M.<sup>1</sup>

2 O'CLOCK P. M.—L<sup>t</sup> Governor & Council met agreeably to adjournment. Rec<sup>d</sup>. from the House of Representatives for concurrence in passing the following resolutions, to wit, "Resolved, the Governor & Council concurring herein, that both Houses meet in joint Committee on Tuesday next at 10 o'clock in the forenoon for the purpose of electing Judges of the Supreme Court for the year ensuing." "Resolved, the Governor & Council concurring herein, that the members of this House from each County, in conjunction with the Councillor or Councillors residing in such County, meet in County Conventions on Monday next at 3 o'clock afternoon, for the purpose of making nominations for County officers, and that both Houses meet in joint Committee on Tuesday next at half past 9 o'clock forenoon for the purpose of electing such officers." Which resolutions were severally read, & Thereupon *Ordered* to lie on the table.

Rec<sup>d</sup>. also for concurrence in the reference, "An act in addition to an act entitled an act directing the proceedings against the Trustees of absconding debtors," with an order of reference thereon to the Judiciary Committee. Also "The petition of the Selectmen of St. Johnsbury & others praying for the discontinuance of a certain road," with an order of reference thereon to the Committee on Roads & Canals; Whereupon *Resolved* to concur in said several orders of reference.

Rec<sup>d</sup>. also The petition of Jeremiah Bradley praying to be restored to his legal privileges & for a full pardon, which was read, and Thereupon, *Resolved* to grant the prayer of the petitioner. Adjourned to Monday morning next at 9 o'clock.

MONDAY Oct<sup>r</sup> 13, 1834. 9 o'clock A. M.

L<sup>t</sup> Governor & Council met agreeably to adjournment. Rec<sup>d</sup>. from the House of Representatives for concurrence in the reference the following, to wit, "An act to incorporate the Farmers, Mechanics & Manufacturers' Bank at Springfield," "An act to incorporate the President, Directors & Co. of the Bank of Poultney," "The petition of Ellis Bliss

strength, as follows : For Lieut. Governor—Lebbeus Egerton, Antimason, 114 ; Samuel Clark, Whig, 69 ; Truman Chittenden, Democrat, 28 ; scattering 3. For Treasurer—Augustine Clarke, Antimason, 111 ; John Spalding, Whig, 76 ; Charles R. Cleaves, Democrat, 19 ; scattering, 1.

<sup>1</sup> Rev. Warren Skinner was elected.

& others praying for the incorporation of a Bank at Bradford," "The petition of John Wright & others praying for the incorporation of a Bank at Norwich," "An act to incorporate the President, Directors & Co. of the Farmers' & Mechanics' Bank," "Petition of sundry inhabitants of Castleton & vicinity for a Bank to be established at Castleton," "Petition of Phineas Spalding & others praying for the incorporation of a Bank at Lyndon," "Petition of Jefferson Wright & others praying for the incorporation of a Bank at Proctorsville," "Petition of Martin Field & others praying for the incorporation of a Bank at Fayetteville," "Petition of John Marsh & others for a Bank at Perkinsville in the town of Weathersfield," "A bill to incorporate a Bank at Brandon," and "An act to incorporate the Bank of Washington County," with an order of reference on each to the Committee on Banks.

Also "Petition of James Dwyer & Adolphus Paul," "Petition of Otis Chamberlain praying for remuneration for expenses incurred in apprehending a felon," "An act directing the Treasurer of this State to pay Alba Davidson the sum therein mentioned," "An act directing the Treasurer of this State to pay David Harrington the sum therein mentioned," "Petition of Zadock Remington praying for remuneration for losses in the Revolutionary War,"<sup>1</sup> "An act directing the Treasurer to pay Zalmon Booth the sum therein mentioned," "An act directing the Treasurer of this State to pay Araunah Waterman the sum therein mentioned," and "An act directing the Treasurer of this State to pay Nahum Jenison & Joseph S. Jenison the sum therein mentioned," "Petition of Benjamin Streeter for remuneration for services in the Revolutionary War," "An act directing the Treasurer to pay the town of Sutton the sum therein mentioned," and "Petition of Daniel Bowen praying for remuneration of expenses incurred in apprehending a felon," with an order of reference on each to the Committee of Claims. Whereupon *Resolved* to concur in said several orders of reference.

Rec<sup>d</sup>. also "Petition of Silas Hibbard & others inhabitants of St. Johnsbury, Waterford & Concord praying to be annexed to the town of Kirby," with an order of reference thereon to a Select Committee of three members of the House of Representatives, with a request for a committee to join from the Council, Whereupon *Resolved* to concur in said order of reference & Mr. Birchard appointed from Council. Also "An act providing for the establishment of the line between Stratton & Sunderland," with an order of reference thereon to a select committee of three members of the House, with a request to join from Council. Whereupon *Resolved* to concur in such reference & Mr. Sherman appointed from Council. Rec<sup>d</sup>. also "An act in relation to the forfeiture of lumber on the Banks of Connecticut River," with an order of reference thereon to the General Committee. Also "The petition of the Selectmen of Williamstown praying that a sum due the State may be remitted," with an order of reference thereon to the Committee of Ways & Means. Also "Petition of Elihu De Forest praying for remuneration for expenses incurred in apprehending a felon," with an order of reference on the same to the Committee of Claims. Also "An act in addition to an act for the support of common schools," with an order of reference thereon to the Committee on Education. Also "An act fixing the time when public acts shall take effect or be in force," with

<sup>1</sup> Remington was a large proprietor and early settler in Castleton, coming in 1770. He was also the first tavern-keeper in that town. His patriotism in the revolutionary war was not of the sturdiest sort.—See *Vermont Historical Magazine*, Vol. IV, pp. 505-6.

an order of reference to the Judiciary Committee. Rec<sup>d</sup>. also "Petition of Elijah Robinson & others praying for a land tax on Charleston," and "Petition of Jacob Sheldon praying for a land tax on Plymouth," with an order of reference on each to the Land Tax Committee, Whereupon *Resolved* to concur in said several orders of reference.

Received also "Petition of Alanson L. Wright & others praying for an alteration of the law relative to the building of bridges between two towns," and "Petition of Bille Mann & others for the discontinuance of a certain road," with an order of reference on each to the Committee on Roads & Canals. Also "The petition of Dan Lovell & others for a Bank at Springfield," with an order of reference on the same to the Committee on Banks. Rec<sup>d</sup>. the following with an order of reference on each to the Judiciary Committee, "An act in addition to an act entitled an act constituting Probate Courts, defining their powers & regulating the settlement of testate & intestate estates & the guardianship of minors & insane persons," "An act relating to Joint tenants & tenants in common," "An act to compel the attendance of witnesses in certain cases," "An act in addition to the act constituting the Supreme Court &c," "An act in addition to an act entitled an act constituting a Court of Chancery," "An act in addition to an act entitled an act to provide for reporting decisions of the Supreme Court of Judicature & for other purposes passed Nov. 13, 1827," "An act in addition to an act directing the mode of electing the Governor, Lieutenant Governor, Treasurer of the State. Councillors & Representatives": Whereupon *Resolved* to concur in said orders of reference.

Rec<sup>d</sup>. also for concurrence in the reference. "An act for the benefit of the Franklin Artillery Company," and also "Petition of Franklin Artillery Company praying for the loan of a field piece," with an order of reference on each to the Committee on Military Affairs. Also "Petition of Enos Canfield praying for the grant of a turnpike," and "Petition of inhabitants of Vergennes for a Rail Road," with an order of reference on each to the Committee on Roads & Canals. And also, with an order of reference to same Committee, "Petition of Luther Newcomb & others for a Rail Road from Vergennes to Bristol." Rec<sup>d</sup>. "Petition of Timothy Locke & others praying to be annexed to the town of Kirby," and "The Remonstrance of Ephraim Paddock & 123 others against the petition of Silas Hibbard & others," and "Remonstrance of Inhabitants of Waterford against the petition of Silas Hibbard & others for annexing a part of the town of Waterford to the town of Victory," and "Memorial of the Inhabitants of Concord against the petition to annex a part of s<sup>d</sup>. town to Kirby," with an order of reference on each to the Select Committee to be raised on the petition of Silas Hibbard & others. Also "An act appointing a collector in Underhill," with an order of reference to the Land Tax Committee. Also "An act relating to advertisements," and "An act to equalize the taxation of Bank Stock," "An act in relation to taxing wild & unimproved lands," "An act to restrain cattle from running at large in the highways," "An act to prevent infectious diseases from spreading among sheep," with an order of reference on each to the General Committee.

Rec<sup>d</sup>. also, "An act to incorporate certain persons therein named by the name of the Vermont Farming Company," with an order of reference thereon to the Committee on Agriculture. Also, "Petition of Dorman Bridgman & others praying that a Law may be passed for the protection of persons engaged in practising in botanic medicines," And "Petition of Josiah Joslin & others praying that a Law may be passed to enable all who practise the healing art to collect debts," "Petition of Truman Squires [Squier] & others praying for the repeal of the laws

relating to the practice of physic & Surgery," "Petition of Solomon Davis & others praying that the act entitled 'an act regulating the practice of physic & surgery in this State,' may be repealed," "Petition of Nathl. West & others praying for the repeal of a law passed in 1820 regulating the practice of physic & surgery in this State," "Petition of John Beckwith," "Remonstrance of James Pearse & others against the petition of the Selectmen of Ripton," "An act appropriating the minister rights of land in the town of Ripton to the use of schools," "Memorial of the President & Fellows of Middlebury College praying for aid," and "An act incorporating the Troy Conference Academy," with an order of reference on each to the Committee on Education.

Recd. also, "An act for the relief of Phineas Stearnes & others," and also, "The petition of M. I. [or J.] Doolittle & others praying for an alteration of the law authorizing Listers to tax persons for their faculty," with an order of reference on each to the Committee of Ways & Means.

Also, recd. "Petition of James Brown & others praying for a land tax on the town of Morgan," and "Petition of the Inhabitants of the town of Elmore for a Land Tax," and "Petition of Luther Martin & others for a Land Tax on Avery's Gore," "Petition of Selectmen of Kirby for a land tax," with an order of reference on each to the Land Tax Committee—Whereupon *Resolved* to concur in the aforesd several orders of reference.

The resolution referring to County Conventions, which was yesterday laid on the table, was called up & the following proposal of amendment offered, to wit, Strike out the word "Monday," & insert in lieu thereof the word "Tuesday," which was adopted and Thereupon *Resolved* to concur in passing said resolution as amended, and *Ordered* that the Secretary inform the House of Representatives of such concurrence.

The resolution appointing a time for both Houses to meet to elect Judges of the Supreme Court, was called up, read & Thereupon *Resolved* to concur in passing said resolution. *Ordered* that the Secretary inform the House accordingly.

Mr. Janes introduced the following resolution, to wit, "*Resolved*, the House of Representatives concurring herein, that the General Committee be instructed to inquire into the expediency of making some provision by law for the relief of the Insane, and report by bill or otherwise," which was read, whereupon *Resolved* to adopt the same. Adjourned to 2 o'clock Afternoon.

2 O'CLOCK P. M.—L<sup>t</sup> Governor & Council met agreeably to adjournment. His Excellency William A. Palmer appeared in the Council Chamber & took & subscribed the oaths of office in due form of law, before Hon. Mr. Janes of Council. *Ordered* that the Secretary inform the House that the L<sup>t</sup> Governor & Council will immediately attend in the Representatives' room to receive the message of His Excellency the Governor.

Hon. Mr. Beardsley, who had been elected one of the Council for the year ensuing, came into the Council Chamber & took & subscribed the necessary oaths of office before His Excellency the Governor.

The L<sup>t</sup> Governor & Council attended in the Representatives' room, when the Governor, through his Secretary, communicated the following Message.<sup>1</sup> After which the L<sup>t</sup> Governor & Council retired to their Chamber and Adjourned to 9 o'clock to-morrow morning.

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<sup>1</sup>For Message see *Appendix A*.

TUESDAY, Oct<sup>r</sup> 14, 1834.

Governor & Council met agreeably to adjournment. Received from the House of Representatives the following list of joint Standing Committees, to wit:

A committee of four denominated the committee of Ways & Means,  
 A committee of four denominated the committee on Military Affairs,  
 A committee of four denominated the Judiciary Committee,  
 A committee of four denominated the Committee of Claims,  
 A committee of four denominated the committee on Roads & Canals,  
 A committee of four denominated the committee on Banks,  
 A committee of four denominated the committee of Insolvency,  
 A committee of four denominated the committee of Manufactures,  
 A committee of four denominated the committee of Agriculture,  
 A committee of four denominated the Land Tax Committee,  
 A committee of thirteen denominated the General Committee,

A committee of four denominated the Committee on Education, with a request that the Governor & Council would join, on their part, in said appointment; Whereupon *Resolved* to concur in the appointment of said Committees.

The following gentlemen were appointed on the several joint Standing Committees, to wit:

On the Committee of Ways & Means Mr. Janes,  
 On the Committee on Military Affairs Mr. Jenison,  
 On the Judiciary Committee Mr. Griswold,  
 On the Committee of Claims Mr. Howe,  
 On the Committee on Roads & Canals Mr. Cobb,  
 On the Committee on Banks Mr. Sherman,  
 On the Committee of Insolvency Mr. Beardsley,  
 On the Committee of Manufactures Mr. Cahoon,  
 On the Committee of Agriculture Mr. Green,  
 On the Land Tax Committee Mr. Robinson,  
 On the General Committee Mr. Wardner,  
 On the Committee on Education Mr. Birchard.

Rec<sup>d</sup> from the House for concurrence in the reference, "Petition of John C. Page for a land tax on Westmore," with an order of reference thereon to the Land Tax Committee. *Also* "Petition of Hiram Barton & others praying that Hiram Brockway may be restored to his legal privileges," with an order of reference thereon to the Judiciary Committee. *Also* "An act incorporating the Woodstock Manufacturing Company," with an order of reference thereon to the Committee on Manufactures. Rec<sup>d</sup>. *also* "An act regulating the price of board of persons confined in Jails," with an order of reference thereon to the Judiciary Committee. *Also* "Petition of Silas Earl & Mary Earl praying that the name of Aaron Aldrich may be altered," with an order of reference thereon to the General Committee. Whereupon, *Resolved* to concur in said several orders of reference.

Rec<sup>d</sup>. *also*, "Samuel Swift & E. D. Barber's petition praying for a tax on the County of Addison for the purpose of building a new Jail," with an order of reference thereon to a select committee of the Members of the House of Representatives from Addison County, with a request that the Council would join, on their part, in said appointment, Whereupon. *Resolved* to concur in said reference & appointment, & Mr. Jenison was appointed from Council.

Rec<sup>d</sup>. *also* "An act to repeal an act entitled an act to repeal an act requiring foreign bank stock to be given into the list," with an order of reference thereon to the General Committee. Rec<sup>d</sup>. the following with an order of reference thereon to the Committee on Education, "Petition



of Stebbins Walbridge & others for an alteration of the Law relative to the practice of physic & surgery," "An act to incorporate the Leland Classical & English School at Townshend." Rec<sup>d</sup> also, "Petition of Stephen Dewey & others for Bennington County Bank," with an order of reference thereon to the Committee on Banks—Also, "Petition of Simeon A. Durfee & others praying that a sum expended for a carriage for a cannon may be reimbursed," with an order of reference thereon to the Committee on Military Affairs, Also, "Report of the Committee on Military Affairs," with an order of reference to the same Committee—Whereupon *Resolved* to concur in said several orders of reference.

Rec<sup>d</sup> for concurrence in passing the following resolutions, to wit, "Resolved, the Governor & Council concurring herein, that the General Committee be instructed to inquire into the expediency of limiting by law the number of Justices of the Peace to be appointed in the several towns in this State." "Resolved, the Governor & Council concurring herein, that the General Committee be instructed to inquire into the expediency of affording protection to the growth of silk either by bounty or otherwise."<sup>1</sup> "Resolved, the Governor & Council concurring herein, that the judiciary Committee, to whom was referred the petition of the trustees of Caledonia County Grammar School established at Lyndon, praying for a portion of the rents & profits of the Grammar School lands in said County, be instructed to report the number of Grammar School lots in said County, where located, the number loaned [leased,] and the amount of the rents received & payable annually." "Resolved, the Governor & Council concurring herein, [that] the Judiciary Committee be instructed to inquire into the expediency of passing a law authorizing the Supreme & County Courts in this State to establish, preserve & enforce rules, orders & regulations in the proceedings of said Courts respectively while in session, and to punish by fine, imprisonment or suspension from the privileges of practicing in such Court, any wilful violation or disobedience of such established rules, orders & regulations, or for a contempt of such Court—said Committee to report by bill or otherwise." "Resolved, the Governor & Council concurring herein, that the General Committee be directed to inquire into the expediency of providing by law for perambulating & marking town lines of the several towns in this State," which were severally read, Whereupon, *Resolved* to concur in passing each of the foregoing resolutions.

Mr. Barber, Clerk of the House of Representatives, appeared in the Council Chamber & informed that the House had concurred in the amendments proposed by the Governor & Council to the resolution relative to County Conventions.

The Governor & Council repaired to the representatives' room on the

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<sup>1</sup> At this time many persons in Vermont had planted the mulberry in their gardens, procured silkworms in the egg, and with a reel and small spinning wheel manufactured sewing-silk of the very best quality from the cocoons of their silkworms. As a domestic production, in the charge of ladies of leisure, silk-making may be made a very pleasant and not unprofitable amusement in Vermont. Elsewhere in this country the business is prosecuted on quite a large scale, and profitably. The editor of these volumes now has the wheel used by his mother in the making of sewing-silk.

resolution relative to the election of Judges of the Supreme Court, after which they returned to their chamber and Adjourned to 2 o'clock P. M.<sup>1</sup>

2 O'CLOCK P. M.—Governor & Council met agreeably to adjournment. Rec<sup>d</sup> from the House for concurrence in the reference "An act for the relief of David Young," also "Petition of Richard H. Little praying that a Judgment against him as bail for Richard H. Little Jr. may be remitted," with an order of reference on each to the Committee of Ways and Means. Whereupon *Resolved* to concur in said orders of reference.

Rec<sup>d</sup> also "Petition of Benoni M. Clark & others for a new town," with an order of reference to a select committee of the members of the House from Franklin County, with a request for Governor & Council to join in said appointment & reference, Whereupon *Resolved* to concur and Mr. Green & Beardsley were appointed from Council to join said Committee. Also "Petition of Levi Nedd praying for the alteration of his name," with an order of reference to a select committee of two members of the House to join from Council. Whereupon *Resolved* to concur & Mr. Birchard appointed from Council.

Rec<sup>d</sup> also for concurrence in passing the following resolution, to wit, "Resolved, the Governor & Council concurring herein, that a Committee of five members of this House be appointed to join from Council, to take into consideration the subject of contested elections, & report to this House, if they deem it expedient, a proposal for some statute provisions which may conduce to a more just, speedy & efficient decision of questions of contested elections," which was read & Thereupon, *Resolved* to concur in passing, and Mr. Jenison was appointed from Council.

Also, "Resolved, the Governor & Council concurring herein, that the Judiciary Committee be instructed to inquire if any, & what alterations ought to be made in the existing law in relation to reporting the decisions of the Supreme Court, & report by bill or otherwise," which was read and *Resolved* to concur in passing same.

Rec<sup>d</sup> also "Account of Silas Houghton," with an order of reference thereon to the Committee of Claims. Also "An act to prevent the circulation of small Bank Bills," with an order of reference thereon to the Judiciary Committee. And the following were received from the House with an order of reference on each to the General Committee—"An act authorizing a new County by the name of Lamoille," and "Petition of inhabitants of Waterville for a new County," "An act to repeal the providing clause in an act therein mentioned," "Petition of inhabitants of Sterling for a new County," "Address of 234 delegates to the new County Convention." Rec<sup>d</sup> also, "Petition of Selectmen of Brownington praying for a land tax on said town," "Petition of Selectmen of Canaan praying for a land tax on said town," with an order of reference on each to the Land Tax Committee—Whereupon *Resolved* to concur in said several orders of reference.

Rec<sup>d</sup> also for concurrence in passing, the following, to wit, "Resolved, the Governor & Council concurring herein, that the General Committee be instructed to inquire into the expediency of providing by law for the establishment of County poor houses," which was read; and Thereupon *Resolved* to concur in passing said resolution.

<sup>1</sup> Charles K. Williams was re-elected Chief Justice by 144 votes to 69 for Titus Hutchinson and 3 scattering. Stephen Royce, Samuel S. Phelps, Jacob Collamer, and John Mattocks were unanimously re-elected Assistant Justices.

Rec<sup>d</sup> the following with an order of reference on each to the Land Tax Committee, to wit, "Petition of inhabitants of Bloomfield for a tax on said town," "Petition of landholders in the town of Glastenbury for a land tax on said town," "Petition of Selectmen of Glastenbury for a land tax on s<sup>d</sup> town," "Petition of inhabitants of Readsboro' for a land tax on s<sup>d</sup> town," Whereupon *Resolved* to concur in s<sup>d</sup> several orders of reference.

Received *also*, "Resolutions from several States in the Union," with an order of reference thereon to a select committee of two members from the House to join from Council—Whereupon *Resolved* to concur in such reference and Mr. Griswold appointed from Council.

Mr. Sherman introduced the following resolution, to wit, "Resolved, the House of Representatives concurring herein, that the Judiciary Committee be instructed to inquire into the expediency of so amending the law ascertaining the principles upon which the list of this State shall be made, & directing listers in their office & duty, as to authorize the listers in their respective towns to deduct from the list for personal property of any individual, six per cent. on the balance of debts due from such individual over & above the amount of debts due him, & money on hand; and report by bill or otherwise," which was read and passed. Adjourned to 9 o'clock to-morrow morning.

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WEDNESDAY, Oct<sup>r</sup> 15, 1834. 9 o'clock A. M.

Governor & Council met agreeably to adjournment. Rec<sup>d</sup> from the House for concurrence in the reference the following, to wit, "Petition of Asa Doty & others to incorporate the North Bennington Fire Company," with an order of reference thereon to the General Committee, "Petition of William White & others for making Vergennes a shire town of Addison County," with an order of reference thereon to the Committee raised on the petition of E. D. Barber & others, "Petition of Isaac Doolittle & others for a County poor House," with an order of reference thereon to a select committee of the members of the House from Bennington County with a request for a committee to be appointed from Council—Mr. Sherman was appointed to join from Council. Whereupon, *Resolved* to concur in said several orders of reference.

Rec<sup>d</sup> from the House of Representatives for concurrence in the reference the following, to wit, "An act in addition to an act directing the mode of taking the forfeiture of grants & charters," and *also*, "An act to amend & reduce into one act several acts relating to the corporation of the City of Vergennes," with an order of reference on each to the Judiciary Committee. *Also* "Petition of Gamaliel T. Whitney & others inhabitants of Wolcott praying for the formation of a new County," with an order of reference thereon to the General Committee. *Also* "Petition of Peter Gratton that a sum of money expended in mounting a field piece may be refunded," with an order of reference thereon to the Committee on Military Affairs. *Also*, "An act to incorporate the President, Directors & Co. of the Chittenden County Bank," with an order of reference to the Committee on Banks"; *Also*, "Petition of Thomas Taylor & others praying that an act passed at the last session, laying a tax on Wolcott, may be revived," with an order of reference thereon to the Land Tax Committee; *Also*, "An act directing the Treasurer to pay Harvey Bell the sum therein mentioned," and "Petition of Zebina Lamb praying that a Jail Bond in favor of the State against him may be cancelled"; with an order of reference on each to the Committee of Claims. Rec<sup>d</sup> *also* "Petition of inhabitants of Morristown praying for

a new County," with an order of reference thereon to the General Committee; *also* "An act directing the Treasurer to pay Josephine Culver the sum therein mentioned," with an order of reference thereon to the Committee of Claims. Rec<sup>d</sup> *also*, with an order of reference on each to the General Committee the following, to wit, "Petition of Theophilus W. Fitch & others, inhabitants of Hydepark, for a new County"; "Petition of Joel Manning & others praying for the repeal of the law, passed at the last session of the Legislature, in relation to licenses for retailing spirituous liquors"; and "Petition of Pliny Parker & others praying that the sum required for pedlar's licenses may be reduced"; Rec<sup>d</sup> *also*, "An act in amendment of an act entitled an act to provide for the support of common schools," with an order of reference thereon to the Committee on Education. Whereupon *Resolved* to concur in the several orders of reference aforesaid.

Rec<sup>d</sup>. "Petition of Ebenezer Huntington & others praying that portions of the towns of Townshend & Jamaica may be set off & annexed to the town of Acton in the County of Windham," with an order of reference to a select committee of two members of the House, to join from Council, Whereupon *Resolved* to concur in said appointment [and reference,] & Mr. Birchard appointed.

Rec<sup>d</sup> for concurrence in the reference, "An act in addition to an act ascertaining the principles on which the list of this State shall be made, & directing listers in their office & duty," and *also* "Petition of Selectmen of Hancock for the remission of a tax" & "Petition of Selectmen of Mansfield praying for the remission of the State tax of 1831"; with an order of reference on each to the Committee of Ways & Means; Whereupon, *Resolved* to concur in s<sup>d</sup>. orders of reference.

Rec<sup>d</sup> from the House for concurrence in passing the following resolutions, to wit, "Resolved, the Governor & Council concurring herein, that the General Committee be instructed to inquire into the expediency of altering or repealing the Law of 1833 in relation to licensing retailers & Inkeepers & report by Bill or otherwise"; "Resolved, the Governor & Council concurring herein, that the Committee on Military Affairs be instructed to inquire into the expediency of so altering or amending an act in addition to an act incorporating certain persons therein named by the name of the Montpelier Fire Company, passed Nov. 10, 1830, as to provide that membership in said Company shall not operate to exempt from Military duty any member of any independent company in this State; & that they have leave to report by bill or otherwise";—"Resolved, the Governor & Council concurring herein, that the Committee of Ways & Means be instructed to report a bill so altering the laws relating to the Grand List, that the Listers in each town shall appraise the real & personal property of each inhabitant in said town at its true value, & put the same into the List, without specifying the different articles"; which said resolutions were severally read, & Thereupon *Resolved* to concur in passing.

The petition of Nathan Bean, a convict in the State prison, was taken up, and the question, "Shall the said Nathan Bean be discharged from the State prison?" having been put, was determined in the affirmative. Yeas 11. Nays 0. Those who voted in the affirmative were, The Lt Governor, Messrs. Beardsley, Cahoon, Cobb, Green, Griswold, Howe, Jenison, Robinson, Sherman and Wardner.

The petition of John Hazletine, a convict in the State prison, was taken up, and the question "Shall the said John Hazletine be discharged from the State prison?" having been put, was decided in the affirmative: Yeas 11. Nays 0. Those who voted in the affirmative were, The Lt Governor, Messrs. Beardsley, Cahoon, Cobb, Green, Griswold, Howe,

Jenison, Robinson, Sherman and Wardner. The petition of Theodore S. Rust, a convict in the State prison, was taken up, and the question "Shall the said Theodore S. Rust be discharged from State prison?" having been put, was determined in the affirmative: Yeas 12. Nays 0. Those who voted in the affirmative were, The L<sup>t</sup> Governor, Messrs. Beardsley, Birchard, Cahoon, Cobb, Green, Griswold, Howe, Jenison, Robinson and Wardner. When, on motion, *Resolved* that when the Governor & Council adjourn, they adjourn to meet at 9 o'clock tomorrow morning. Adjourned.

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THURSDAY Oct<sup>r</sup> 16, 1834. 9 o'clock A. M.

Governor & Council met agreeably to adjournment. Rec<sup>d</sup> from the House of Representatives for concurrence in the reference the following, to wit, "An act incorporating & establishing the Norwich University at Norwich in Windsor County," with an order of reference thereon to the Committee on Education; *Also*, "Petition of John P. Richardson & others praying that Imprisonment for debt may be abolished," with an order of reference thereon to the Committee on Insolvency, Whereupon: *Resolved* to concur in said orders of reference.

Received *also*, "Petition of a number of the Inhabitants of the town of Hancock (in Addison County) and of the town of Rochester (in Windsor County) praying that a part of Hancock may be set off & annexed to the town of Rochester"; with an order of reference to a select committee of two members of the House, with a request that the Governor & Council would join in said appointment & reference, Whereupon: *Resolved* to concur in s<sup>d</sup> appointment & reference, & Messrs. Jenison & Wardner appointed.

Rec<sup>d</sup> the following with an order of reference thereon to the Committee on Roads & Canals, "Petition of the Sherburne Turnpike Company for leave to alter and extend their road," "Petition of David Eaton & others for a Turnpike," and "An act in addition to an act entitled an act to incorporate the Otter Creek & Champlain Canal Company." Whereupon: *Resolved* to concur in said orders of reference. Rec<sup>d</sup> also, "An act to repeal an act therein mentioned"; and "An act to repeal an act therein mentioned"; with an order of reference to the General Committee. *Also*, "An act regulating the rate of Interest," with an order of reference thereon to the Judiciary Committee; and *also*, "Petition of David Hammond & others praying for the establishment of an Independent Rifle Company"; and "Petition of Jason Babcock & others for a brass field piece," with an order of reference on each to the Committee on Military Affairs. Received *also* for concurrence in the reference, "Report of Superintendent of Vermont State Prison," with an order of reference thereon to the Committee of Ways & Means. *Also*, "Petition of Benjamin Pinney & others for an additional bounty on Wolves," with an order of reference to General Committee. *Also*, "Exhibit of State Prison 1834," with an order of reference thereon to the Committee of Ways & Means; and "An act in addition to an act regulating town meetings and the choice & duty of town officers"; with an order of reference thereon to the Judiciary Committee; Whereupon: *Resolved* to concur in said several orders of reference.

Rec<sup>d</sup> from the House for concurrence in passing, the following resolution, to wit, "Resolved, the Governor & Council concurring herein, that the Judiciary Committee be instructed to inquire into the expediency of passing a general law fixing on a time when the acts of the Legisla-

ture shall go into full operation, & report by bill or otherwise." Which was read, and, Thereupon : *Resolved* to concur in passing said resolution.

The Governor & Council proceeded to the Representatives' room on the joint resolution for the appointment of County Officers, after which they returned to their chamber, and Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—Governor & Council met agreeably to adjournment. Rec<sup>d</sup>. from the House for concurrence in the reference, the following, to wit, "An act to incorporate the Weathersfield Manufacturing Company," with an order of reference thereon to the Committee on Manufactures. Also, "Petition of Valentine Varney & others to raise the bounty on Wolves & Panthers," with an order of reference to the General Committee. Rec<sup>d</sup>. also, for concurrence in the reference, the following, to wit, "An act for the relief of Albert Stevens," with an order of reference thereon to the Committee on Insolvency : Also, "Petition of Stephen Perkins & Nath<sup>l</sup> Carnes for a land Tax on Goshen Gore & Harris' Gore," with an order of reference to the Land Tax Committee, and "Petition of Ebenzer Wellman & others for a land tax on Avery's Gore," with an order of reference to same Committee. Also, "Petition of Harvey Richardson & others praying that the town of Middletown may be authorized to choose a constable & collector" ; And "An act in addition to and amendment of an act to authorize the Supreme Court to empower guardians to sell the real estate of their wards, passed the 6<sup>th</sup> day of February 1804," with an order of reference on each to the Judiciary Committee : "An act for the relief of John Connell," with an order of reference thereon to the Committee of Ways & Means : "Petition of the Directors of the Centre Turnpike Company praying for relief," with an order of reference thereon to the Com. on Roads and Canals. Also, "Petition of Alden Partridge & others praying for the incorporation of a Literary Institution at Norwich," with an order of reference thereon to the Committee on Education. Also "An act to incorporate certain persons therein named by the name of the Pittsford Manufacturing Company," and "An act incorporating the Montpelier Manufacturing Company," with an order of reference on each to the Committee on Manufactures. Rec<sup>d</sup>. also "An act to incorporate Goshen Turnpike Company," with an order of reference thereon to the Committee on Roads & Canals ; also, "An act in addition to an act entitled an act extending the Jurisdiction of Constables passed Oct<sup>r</sup>. 27, 1824," with an order of reference thereon to the Judiciary Committee ; Also "An act to repeal an act therein mentioned," with an order of reference thereon to the Committee on Roads & Canals ; Rec<sup>d</sup>. also, "An act in addition to an act entitled an act relating to Jails & Jailers, & for the relief of persons imprisoned therein," with an order of reference thereon to the Judiciary Committee : and "An act directing the Treasurer to pay the first Constable of Berlin the sum therein mentioned," with an order of reference thereon to the Committee of Ways & Means. Whereupon *Resolved* to concur in said several orders of reference.

Rec<sup>d</sup>. also for concurrence in reference, "Petition of Matthias Stone & others praying that a part of the town of Cabot may be annexed to Danville," with an order of reference thereon to a select committee of two members of the House to join from Council. Whereupon *Resolved* to concur in s<sup>d</sup>. appointment & reference & Mr. Cahoon appointed.

Rec<sup>d</sup>. also, "Petition of Ziba Pope & others for a grant of a Turnpike," with an order of reference to the Committee on Roads & Canals, Whereupon *Resolved* to concur in s<sup>d</sup>. order of reference.

Received from the House of Representatives for concurrence in passing the following resolutions, to wit, "Resolved, the Governor & Council concurring herein, that so much of the Governor's message as relates to

the subject of the United States Bank be referred to the Committee of Ways & Means"; "Resolved, the Governor & Council concurring herein, that so much of the Governor's message as relates to the Militia be referred to the Committee on Military Affairs"; "Resolved, the Governor & Council concurring herein, that so much of the Governor's message as relates to finance be referred to the Committee of Ways & Means"; "Resolved, the Governor & Council concurring herein, that the General Committee be instructed to inquire into the expediency of extending the Jail Yards in the several Counties in this State to the limits & boundaries of said Counties, and report by Bill or otherwise"; "Resolved, the Governor & Council concurring herein, that so much of the Governor's message as relates to the obstructions at the out-let of Lake Champlain be referred to the Committee on Roads & Canals." Which were severally read; Whereupon: *Resolved* to concur in passing s<sup>d</sup> several resolutions.

Rec<sup>d</sup> from the House of Representatives for concurrence in passing the following resolution, to wit, "Resolved, the Governor & Council concurring herein, that both Houses meet in joint Committee in the Representatives' room on Tuesday next at 10 o'clock A. M. for the purpose of electing a Superintendent of the Vermont State prison, Surveyor General, Auditor of accounts against the State, Bank Commissioner, & a person to preach the next election sermon, for the year ensuing, Which was read, Whereupon *Resolved* to concur in passing said resolution. *Ordered* that the Secretary inform the House accordingly.

The petition of John Hazletine, a convict in the State Prison, was called up, and the question "Shall the s<sup>d</sup> John Hazletine be discharged from Sta<sup>e</sup> Prison?" having been put, was determined in the affirmative. Yeas 10. Nays 0. Those who voted in the affirmative were Messrs. Beardsley, Cahoon, Cobb, Green, Griswold, Howe, Janes, Jenison, Robinson & Sherman. The petitions of Zachariah Arlin, Wright Arlin, Chester Baker, and Stephen Esmond, convicts in the State prison, were called up and severally dismissed. Petition of James Montgomery, a prisoner confined in the common Jail in Bennington, praying for remission of fine and costs & for discharge from imprisonment, was taken up and the question "Shall the prayer of said petitioner be granted?" having been put was determined in the affirmative. Yeas 10. Nays 0. Those who voted in the affirmative were Messrs. Beardsley, Cahoon, Cobb, Green, Griswold, Howe, Janes, Jenison, Robinson and Sherman. Adjourned to 9 o'clock tomorrow morning.

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FRIDAY Oct<sup>r</sup> 17, 1834. 9 o'clock A. M.

Governor & Council met agreeably to adjournment. The petition of Augustus Bingham, a prisoner confined in the Common Jail at Chelsea, praying for a remission of fine & Costs & discharge from Imprisonment, was taken up and the question "Shall the prayer of the said Augustus Bingham be granted?" having been put it was determined in the affirmative. Yeas 10. Nays 1. Those who voted in the affirmative were Messrs. Beardsley, Cahoon, Cobb, Green, Griswold, Howe, Janes, Jenison, Sherman & Wardner. The member of the Council voting in the negative was Mr. Robinson. The petition of Elihu S. Wrisley, a convict in the State prison, was taken up, and the question "Shall the said Elihu S. Wrisley be discharged from the State prison?" having been put, was determined in the affirmative:—Yeas 11, Nays 0. Those who voted in the affirmative were Messrs. Beardsley, Cahoon, Cobb, Green, Griswold, Howe, Janes, Jenison, Robinson, Sherman, & Wardner. Adjourned to 2 o'clock P. M.

2 O'CLOCK P M.—Governor & Council met agreeably to adjournment. Rec<sup>d</sup> from the House for concurrence in passing the following resolution, to wit, "Resolved, the Governor & Council concurring herein, that both Houses meet in joint committee in the Representatives' room on Saturday next at 10 o'clock A. M. for the purpose of electing a Brigadier General in the 1<sup>st</sup> Brigade & 4<sup>th</sup> Division of the Militia of this State to fill the vacancy occasioned by the resignation of Brigadier General Nathan Young"; which was read & Thereupon: *Resolved* to concur in passing said resolution, and *Ordered* that the Secretary inform the House of such concurrence.

Rec<sup>d</sup> from the House of Representatives for concurrence in passing, the following resolution, "Resolved, the Governor & Council concurring herein, that the General Committee be directed to inquire into the expediency of enacting a Law exempting the polls of the members of the several Fire Companies, within this State, from all taxes, except those for building & repairing school houses, and the support of common schools; and report by bill or otherwise," which was read, and Thereupon: *Resolved* to concur in passing said resolution.

Rec<sup>d</sup> from House of Representatives for concurrence in the reference, to wit, "Report of Bank Committee"; also, "Petition of William P. Briggs & others praying for a Bank at Burlington"; "Petition of the Inhabitants of Milton for a Bank at Burlington"; "Petition of Ezra Meech & others for the incorporation of a Bank at Burlington"; "Petition of the inhabitants of Burlington for a Bank at Burlington"; "Petition of Arthur Bostwick & others praying for a Bank at Burlington"; "Petition of Thomas Chittenden & others for a Bank in Chittenden County"; "Petition of Inhabitants of Westford for a Bank at Burlington"; "Petition of Truman Chittenden & others praying for a Bank in Chittenden County"; "Petition of William Rhoades & others praying for a Bank in Chittenden County"; "Report of the Bank Commissioners," with an order of reference on each to Committee on Banks. Rec<sup>d</sup> also, "An act directing the Treasurer to credit Julius Delong the sum therein mentioned," with an order of reference thereon to the Committee of Ways & Means; Rec<sup>d</sup> also, with an order of reference thereon to the Judiciary Committee, the following, to wit, "An act to repeal an act therein mentioned," and "An act in addition to an act entitled an act establishing permanent salaries for certain officers & regulating fees & taxable costs, passed Nov. 5, 1821"; "An act for the relief of the Covenanters," and "Petition of Amos Garnsey, praying that a disbelief in a retributive providence may operate against the credibility & not against the competency of witnesses," Whereupon *Resolved* to concur in said several orders of reference.

Rec<sup>d</sup> from the House of Representatives for concurrence in the reference, the following, to wit, "Petition of Lewis Higbee & others praying that Imprisonment for debt may be abolished"; with an order of reference thereon to the Committee on Insolvency. Also, "Petition of Oramel H. Nichols praying for an alteration in the Militia laws of this State"; with an order of reference thereon to the Committee on Military Affairs. Rec<sup>d</sup> also, "Petition of the Selectmen of Canaan for a tax on Averill & Norton"; and "Remonstrance of Charles Cummings & others against a land tax in the town of Charleston"; with an order of reference on each to the Land Tax Committee. Also "Petition of Passumpsic Turnpike Company praying for relief," with an order of reference thereon to the Committee on Roads & Canals—Whereupon: *Resolved* to concur in said several orders of reference.

Rec<sup>d</sup> also, "An act altering the name of Kingston" [to Granville:] with an order of reference thereon to a select committee of two mem-



bers of the House with a request for the Governor & Council to join in <sup>s<sup>d</sup></sup> reference & appointment—Whereupon *Resolved* to concur in <sup>s<sup>d</sup></sup> reference & appointment & Mr. Jenison appointed from Council.

*Also* "Petition of James Way praying that a sum due from him to the State may be remitted"; and "Petition of the Wolcott Temperance Society praying for the repeal of all laws granting licenses to retailers of ardent spirits"; with an order of reference on each to the Committee of Ways & Means. *Rec<sup>d</sup>* also, the following with an order of reference on each to the Committee on Education, "Petition of John Wright & others praying for the Incorporation of a Literary Institution at Norwich"; "Petition of Abijah Shedd & others praying for the repeal of the law relating to Physic & Surgery"; "Petition of Daniel Cobb & others praying for the Incorporation of a Literary Institution at Norwich," "Petition of John Buckmaster & others for the incorporation of a Literary Institution at Norwich," "Petition of Elijah Miller & others praying for the Incorporation of a Literary Institution at Norwich," and "Petition of Henry E. Seymour & others praying for the incorporation of a Literary Institution in the University of Vermont": *Rec<sup>d</sup> also*, "An act to encourage the destruction of foxes within this State"; & "An act to incorporate the Vermont Manufacturing Company"; and "An act to incorporate the Upper Falls Manufacturing Company"; with an order of reference on each to the Committee on Manufactures;—Whereupon *Resolved* to concur in <sup>s<sup>d</sup></sup> several orders of reference.

*Rec<sup>d</sup> also*, "Petition of Luther S. Brown & others inhabitants of Eden praying for a new County"; "Remonstrance of Jesse Whitney & others against the organization of a new county by the name of La Moille"; and "Petition of Joseph D. Farnsworth & others praying that the traffic in Ardent Spirits may be prohibited,"<sup>1</sup> and "An act to repeal an act therein mentioned," and "An act in addition to an act entitled an act ascertaining the principles on which the List of this State shall be made"; "Petition of Asahel Raymond & others praying for the organization of a new County"; with an order of reference on each to the General Committee. And *rec<sup>d</sup> also* "An act directing the Treasurer to pay Harvey Ainsworth the sum therein mentioned," "Petition of Marvin Glazier & others praying for remuneration for expences incurred in a state prosecution against him"; "Committee of the Safety Fund Banks account," "An act directing the Treasurer to pay Harvey Bell the sum therein mentioned," with an order of reference on each to the Committee of Claims, Whereupon *Resolved* to concur in the said several orders of reference.

The petitions of Morris Emery, William R. Ellis, John Daggett, Geo. Darling, Joseph Davis, John Cronk, Geo. M. Cooper, Antoine Chabono, Joseph Bell, Isaac Brevoort, Harrison Brown, Cephas Blanchard, Anson Bevins and Manly A. Beach, convicts in the Vermont State Prison, were called up and severally dismissed. Adjourned to 9 o'clock tomorrow morning.

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SATURDAY Oct<sup>r</sup> 18, 1834. 9 o'clock A. M.

Governor & Council met agreeably to adjournment. *Rec<sup>d</sup>* from the House for concurrence in the reference "Petition of Wm. F. Wood &

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<sup>1</sup> This is the first petition for *prohibition*, addressed to the General Assembly of Vermont, that has been noticed. Dr. and Hon. Joseph D. Farnsworth spent the most of his mature life in Fairfield and Fairfax, and was highly esteemed and honored.—See *Vermont Historical Magazine*, Vol. II, pp. 179 and 196.

others praying that the Courts for the County of Addison may hereafter be holden at Vergennes," with an order of reference to the select committee raised on the petition of E. D. Barber & Samuel Swift. "Petition of Ira Davis & others praying for the incorporation of a Literary Institution at Norwich," with an order of reference thereon to the Committee on Education. "Petition of Zebina Lamb praying that a Jail Bond in favor of the State against him may be cancelled," with an order of reference thereon to the Committee of Claims. "Petition of sundry inhabitants of the town of Georgia praying for the alteration of a road," and "Petition of Benjamin Allen & others for a Turnpike"; and "An act making further provision for opening highways and building & repairing bridges," with an order of reference on each to the Committee on Roads & Canals. Rec<sup>d</sup>. also, "An act to authorize the loaning of County monies," "Petition of John Stewart praying to be restored to his legal privileges." Rec<sup>d</sup>. also "An act in addition to an act passed Oct<sup>r</sup> 30, 1828," with an order of reference on each to the Judiciary Committee. Whereupon *Resolved* to concur in said several orders of reference.

Rec<sup>d</sup>. from the House of Representatives for revision and concurrence or proposals of amendment an engrossed bill entitled "An act to revive an act laying a tax on the town of Searsburgh"; which was read, and Thereupon *Resolved* to concur in passing said engrossed bill; and *Ordered* that the Secretary inform the House of such concurrence.

The petitions of Abraham Gates, Curtis Fargo, John Gray, and Joseph Gardner, convicts in the State prison, were taken up and severally dismissed. The petition of Erastus Gould, a convict in the State prison, was taken up, and the question "Shall the said Erastus Gould be discharged from State prison?" having been put, it was determined in the affirmative. Yeas 9. Nay 1. Those who voted in the affirmative were Messrs. Beardsley, Cahoon, Cobb, Green, Griswold, Jenison, Robinson, Sherman and Wardner. Mr. Howe voted in the negative.

On motion of Mr. Jenison *Resolved* that when the Governor & Council adjourn they adjourn to Monday morning next at 9 o'clock. Adjourned.

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MONDAY Oct<sup>r</sup> 20, 1834. 9 o'clock A. M.

The Governor & Council met agreeably to adjournment. Rec<sup>d</sup>. from the House of Representatives, for concurrence in passing, the following resolutions: "Resolved, the Governor & Council concurring herein, that the Judiciary Committee be instructed to inquire into the expediency of so altering an act entitled an act directing the proceedings against the trustees of concealed or absconding debtors as to extend the provisions of said act against the trustees of debtors confined in Jails or Jail Yards"; "Resolved, the Governor & Council concurring herein, that the General Committee be directed to inquire into the expediency of altering or repealing an act laying duties on hawkers & retailers [peddlers,] passed A. D. 1833, & report by bill or otherwise"; "Resolved, the Governor & Council concurring herein, that the Judiciary Committee be instructed to inquire whether any and what further law is necessary to effectually prevent the creating unnecessary suits & costs—and report by bill or otherwise," which were severally read; Whereupon *Resolved* to concur in passing said resolutions.

Rec<sup>d</sup>. also the following, "Resolved, the Governor & Council concurring herein, that both Houses meet in Joint Committee in the Representatives' room on Friday next at 10 o'clock A. M. for the purpose of electing a Brigadier General for the 1<sup>st</sup> Brigade & 2<sup>d</sup> Division of the

Militia of this State, to fill the vacancy occasioned by the resignation of Brigadier General Henry Robinson"; which was read; Whereupon *Resolved* to concur in passing said resolution: *Ordered* that the Secretary inform the House of such concurrence.

Rec<sup>d</sup> from the House for concurrence in the reference, the following, to wit, "An act in addition to an act for the punishment of certain inferior crimes & misdemeanors," and "An act to preserve the rights of parties & witnesses"; and "An act in addition to an act regulating marriage and divorce, passed Febr<sup>y</sup> 1797"; with an order of reference on each to the Judiciary Committee. *Also*, "An act in addition to an act ascertaining the principles on which the List of this State shall be made, & directing Listers in their office & duty," with an order of reference thereon to the General Committee, and "An act to tax Bank Stock not owned by residents in this State"; with an order of reference thereon to the same Committee: Whereupon, *Resolved* to concur in s<sup>d</sup> several orders of reference.

Rec<sup>d</sup> *also*, "An act altering the name of Rebecca Strong," with an order of reference thereon to a select committee of two members of the House, with a request for the Governor & Council to join; Whereupon *Resolved* to concur, & Mr. Birchard appointed from Council. Rec<sup>d</sup> *also*, "An act directing the Treasurer to pay Moses Morrill & William Morrill the sum therein mentioned," with an order of reference thereon to the Committee of Ways & Means. Whereupon, *Resolved* to concur in said order of reference. Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—Governor & Council met agreeably to adjournment. Rec<sup>d</sup> from the House for concurrence in the reference the following, "An act appropriating a sum therein mentioned to defray the expenses of the Council of Censors"; with an order of reference thereon to the Committee of Ways & Means. *Also*, "Resolutions from the State of Maryland," with an order of reference thereon to the Committee on Military Affairs; *also* "Remonstrance of Daniel W. Palmer & others against a Land Tax on Charleston," with an order of reference thereon to the Land Tax Committee; Rec<sup>d</sup> *also*, "An act to direct the Treasurer to pay Mayo & Follett the sum therein mentioned," & "An act directing the Treasurer to pay Josephine Culver the sum therein mentioned," with an order of reference on each to the Committee of Claims. Rec<sup>d</sup> from the House for concurrence in the reference the following, [Petition of] "Vermont Life Insurance & Trust Company," with an order of reference thereon to the Judiciary Committee. *Also*, "An act for the organization of the Surveyor General's Department," with an order of reference to the Committee on Roads & Canals, *Also*, "An act incorporating the Black River Academy," and "An act to incorporate the Philological Society of Middlebury College," with an order of reference on each to the Com. on Education. Rec<sup>d</sup> *also*, "An act to incorporate the Black River Manufacturing Company," with an order of reference to the Committee on Manufactures. Whereupon *Resolved* to concur in said several orders of reference.

Rec<sup>d</sup> from the House for concurrence in passing the following resolution, "Resolved, the Governor & Council concurring herein, that the two Houses meet in joint committee, in the Representatives' room, on Tuesday next, at 2 o'clock afternoon, for the purpose of electing a Brigadier General of the first Brigade and first division of the Militia of this State, to fill the vacancy occasioned by the resignation of General Elijah Bailey," which was read; Whereupon *Resolved* to concur in passing s<sup>d</sup> resolution, and *Ordered* that the Secretary inform the House accordingly.

Rec<sup>d</sup> *also*, "Resolved, the Governor & Council concurring herein, that the Judiciary Committee be instructed to inquire into the expedi-

ency of Sheriffs exacting from their Deputies a compensation for their appointments, and report whether any, and if any what legislative enactments may be necessary, in their opinion, to prohibit, limit, or otherwise regulate the practice, so that it may not become injurious"; which was read; Whereupon *Resolved* to concur in passing said resolution.

Rec<sup>d</sup> from the House for concurrence & revision or proposals of amendment the engrossed bill entitled "An act directing the Treasurer to pay Harvey Bell the sum therein mentioned"; which was read, and Thereupon *Resolved* to concur in passing said bill; and *Ordered* that the Secretary inform the House of such concurrence.

Mr. Howe, on motion, introduced the two following resolutions, to wit, "Resolved, the House of Representatives concurring herein, that the Committee on Military Affairs be instructed to inquire into the expediency of amending the 6<sup>th</sup> Section of an act entitled 'an act authorizing & directing the mode of forming fire companies in this State,' passed Nov. 8, 1832, as to increase the number of members of s<sup>d</sup> companies exempt from Military duty, & report by bill or otherwise," and "Resolved, the House of Representatives concurring herein, that the General Committee be instructed to enquire into the expediency of repealing an act entitled 'an act in addition to an act for the support of schools,' passed Nov. 15, 1826, & report by bill or otherwise," which were read & severally passed.

The petitions of Samuel S. Badger, Alexander Townshend, and Jabez P. Holden, convicts in the State prison, were taken up and severally dismissed. The petition of Clark Caryl, a convict in the State prison, was taken [up,] on motion of Mr. Cahoon, the question "Shall the said Clark Caryl be discharged from imprisonment?" was put, and determined in the negative. Yeas 2. Nays 10. Those who voted in the affirmative were Messrs. Cahoon & Griswold. Those voting in the negative were The L<sup>t</sup> Governor, Messrs. Beardsley, Cobb, Green, Howe, Janes, Jenison, Robinson, Sherman & Wardner. The petition was then dismissed. Adjourned to 9 o'clock tomorrow morning.

#### TUESDAY, Oct<sup>r</sup> 21, 1834. 9 o'clock A. M.

Rec<sup>d</sup> from the House for concurrence in passing the following resolution, "Resolved, the Governor & Council concurring herein, that both Houses meet in joint Committee on Tuesday next at  $\frac{1}{2}$  past 10 o'clock A. M. for the purpose of electing a Bank Inspector for the year ensuing," which was read; Whereupon *Resolved* to concur in passing said resolution. *Ordered* that the Secretary inform the House of such concurrence.

The petition of Joseph Clark, a convict in the State prison, was taken up, and the question "Shall the said Joseph Clark be discharged from imprisonment?" having been put, it was determined in the affirmative. Yeas 11. Nays 1. Those who voted in the affirmative were The L<sup>t</sup> Governor, Messrs. Beardsley, Cahoon, Cobb, Green, Griswold, Janes, Jenison, Robinson, Sherman & Wardner. Mr. Howe voted in the negative.

Rec<sup>d</sup> from the House of Reps. for concurrence in the reference, "An act to preserve fish in Berlin Pond," with an order of reference thereon to the General Committee; Also "An act for the alteration of an act entitled an act reducing into one the several acts for laying out, making & clearing highways," with an order of reference thereon to the Committee on Roads & Canals; and "An act in addition to an act entitled an act reducing into one the several acts for laying out, making, repairing & clearing highways," with an order of reference thereon to the same Committee. Rec<sup>d</sup> also "An act extending the bounds of grave yards in

this State," and "An act in addition to & in alteration of an act entitled an act in addition to an act entitled an act ascertaining the principles on which the list of this State shall be made, and directing listers in their office & duty," and "Petition of Nahum Rice & others praying that the taking of fish in the waters of the town of Berlin may be prohibited," and "An act directing the mode of ascertaining the mileage," with an order of reference on each to the General Committee. *Recd. also*, "An act in addition to an act establishing an Academy in the East Village of Bennington, passed Oct<sup>r</sup> 30, 1817," with an order of reference thereon to the Committee on Education. *Also* "An act in addition to and to repeal a part of the 63<sup>d</sup> section of an act entitled 'an act constituting Probate Courts & defining their powers,' passed Nov. 15, 1821," with an order of reference thereon to the Judiciary Committee: Whereupon *Resolved* to concur in said several orders of reference.

*Recd. also*, "An act authorizing the Surveyor General to survey & settle the line between the Counties of Bennington & Windham," with an order of reference thereon to the select committee raised on the petition of inhabitants of Stratton & Sunderland. *Recd.* from the House for concurrence in the reference the following, to wit, "Petition of Frederick Gove & others praying that imprisonment for debt may be abolished," with an order of reference thereon to the Committee on Insolvency: Whereupon *Resolved* to concur in said several orders of reference.

*Recd. also*, "An act in addition to an act incorporating certain persons therein named by the name of the Montpelier Fire Company," with an order of reference thereon to a select committee of two members of the House to join from Council, Whereupon *Resolved* to concur in said reference & appointment & Mr. Jenison was appointed from Council.

*Recd. also*, "Petition of Geo. Draper & others praying that imprisonment for debt may be abolished," with an order of reference thereon to the Committee on Insolvency. Whereupon *Resolved* to concur in said reference.

The Governor & Council repaired to the Representatives' room on the joint resolution to elect Superintendent of State prison, Auditor of accts against the State &c. &c. after which they returned to their Chamber.

The Petitions of Samuel Miles, James Lovely, Benj<sup>a</sup> Law, Abijah Lake, Paul Lucius, Harmon Langworthy, John Keyes, David Hunt, Ransom Henry, Samuel G. Haynes, Samuel Hackingbottom, Dennis Hosmer, David Hedges, Enoch Hall and John Chamberlin, convicts in the State prison, were called up, & severally *Ordered* to be dismissed. Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—*Recd.* from the House of Representatives for concurrence in the reference the following, to wit, "Petition of Luther Martin & others praying for a Land Tax on Avery's Gore," with an order of recommitment thereon to the Land Tax Committee; Whereupon *Resolved* to concur in s<sup>d</sup> recommitment. *Also* "An act authorizing the Surveyor General to survey the line between Sunderland & Stratton,"

The following elections were made on that day: John H. Cotton, Superintendent of the State Prison; John Johnson, Surveyor General; David Pierce, Auditor of Accounts; and James L. Stark, Brigadier General. Mr. Stark declined this election, and subsequently Francis E. Phelps was elected.

with an order of reference thereon to a select committee of two members of the House, with a request that the Governor & Council would join : Whereupon *Resolved* to concur, & Mr. Sherman appointed from Council. And "An act to settle the town line between the towns of Stratton & Pownal in the County of Bennington," with an order of reference same as the last, and *Resolved* to concur same & appointment made as before. Rec<sup>d</sup>. also "An act appointing a Collector in the town of Westhaven," with an order of reference to the Judiciary Committee. Also, "An act for the relief of Albert Stevens," with an order of reference to the Committee of Claims. Also, "Petition of Joseph H. Gregg & others praying for the repeal of the act granting licenses to hawkers & pedlars," with an order of reference to the General Committee ; Whereupon *Resolved* to concur in s<sup>d</sup>. several orders of reference.

Rec<sup>d</sup>. also for concurrence in passing, the following resolution, "Resolved, the Governor & Council concurring herein, that the Committee on Banks be instructed to inquire into the expediency of abolishing the office of Bank Commissioner & requiring the Cashiers of the Safety fund Banks to make statements of the condition and standing of their respective Banks to the Bank Inspector, or some other suitable officer, & report by bill or otherwise." Read and Thereupon *Resolved* to concur in passing s<sup>d</sup>. resolution. Also, "Resolved, the Governor & Council concurring herein, that both Houses meet in joint committee on Friday next at  $\frac{1}{2}$  past 10 o'clock A. M. for the purpose of electing three Commissioners of the deaf & dumb & an Agent to settle the concerns of the Vermont State Bank"; read and Thereupon *Resolved* to concur in passing said resolution, and *Ordered* that the Secretary inform the House of such concurrence.

Rec<sup>d</sup>. from the House, for concurrence in the reference, "Report of Superintendent of State House 1834," also, "An act ascertaining the principles on which the Grand List of this State shall be made, and directing Listers in their office & duty," with an order of reference on each to the Committee of Ways & Means. Whereupon *Resolved* to concur in said orders of reference.

Rec<sup>d</sup>. from House of Representatives for revision & concurrence or proposals of amendment an engrossed bill entitled "An act for the relief of David Young," which was read ; Whereupon *Resolved* to concur in passing said bill. Rec<sup>d</sup>. also for revision & an engrossed bill entitled "An act laying a tax on the lands in Westmore," which was read, Whereupon *Resolved* to concur in passing said bill. Rec<sup>d</sup>. also for revision & an engrossed bill entitled "An act in addition to an act entitled 'an act to incorporate the Otter Creek & Champlain Canal Company,'" which was read, Whereupon *Resolved* to concur in passing said bill. Rec<sup>d</sup>. also for revision & an engrossed bill entitled "An act to repeal an act therein mentioned," which was read, Whereupon *Resolved* to concur in passing said bill. Rec<sup>d</sup>. also for revision & an engrossed bill entitled "An act to repeal an act therein mentioned," which was read, Whereupon *Resolved* to concur in passing said bill. Rec<sup>d</sup>. also for revision & an engrossed bill entitled "An act for the relief of John Cornell," which was read, Whereupon, *Resolved* to concur in passing said bill. *Ordered* that the Secretary inform the House of the concurrence of the Governor and Council in the above six cases.

The House sent up for revision & an engrossed bill entitled "An act laying a tax on the lands in Bloomfield," which was read, Whereupon *Resolved* to nonconcur in passing said bill, & Mr. Cahoon was appointed to report the reasons for such nonconcurrence.

The petitions of Elizabeth Niles, Roger Miller, Stephen Prentiss, Stephen Robbins, Charles Reynolds, & Daniel Quimby, convicts in the State

prison, were taken up and severally *Ordered* to be dismissed. Adjourned to 9 o'clock tomorrow morning.

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WEDNESDAY Oct<sup>r</sup> 22<sup>d</sup>. 1834. 9 o'clock A. M.

The Governor & Council met agreeably to adjournment. Rec<sup>d</sup>. from the House for concurrence in the reference the following, to wit, "Compilation of a new Volume of the Laws," with an order of reference thereon to the Judiciary Committee. Whereupon *Resolved* to concur in said order of reference.

The House sent up for concurrence in passing the following resolution, to wit, "Resolved, the Governor & Council concurring herein, that George T. Hodges Esq<sup>r</sup> of Rutland and Leander Hutchins Esq<sup>r</sup> of Waterbury be, and they hereby are, appointed a committee to attend at the State prison, in the month of September next, to make an appraisal & inventory of all the property belonging to said prison, and also to settle with the Superintendent & investigate all the accounts of said prison, & report to the next Session of the Legislature": which was read, Whereupon *Resolved* to concur in passing said resolution. *Ordered* that the Secretary [inform] the House of such concurrence.

Rec<sup>d</sup>. from the House for concurrence in the reference the following, to wit, "An act relating to Bills of Exchange & promissory notes," which contained an order of reference to the Judiciary Committee. Whereupon *Resolved* to concur in s<sup>d</sup>. order of reference. Also "An act appointing a Collector in Underhill," with an order of recommitment to the Land Tax Committee. Whereupon *Resolved* to concur in s<sup>d</sup>. recommitment. Rec<sup>d</sup>. from the House for concurrence in the reference the following, to wit, "Petition of Joseph Beeman praying for relief," with an order of reference to the Committee of Claims. Whereupon *Resolved* to concur in said order of reference.

Rec<sup>d</sup>. for concurrence in passing the following resolution, to wit, "Resolved, the Governor & Council concurring herein, that the Committee appointed to inventory & appraise the property belonging to the Vermont State prison be instructed to inquire & report the different items of expenditure & enquire into the number & duties of the salary officers or servants, & the amount paid them, & that they inquire whether any & if any what alterations are necessary in the manner of conducting said prison," which was read, Whereupon, *Resolved* to concur in passing said resolution. *Ordered* that the Secretary inform the House of such concurrence.

Mr. Cahoon, who was appointed to report reasons for nonconcurring in engrossed Bill entitled "An act laying a tax on the lands in Bloomfield," presented the following, to wit, "That said town of Bloomfield has been already onerously taxed—and that object of the movers of the bill may be land speculation rather than 'making roads & building bridges.' GEO. C. CAHOON for Gov. & Council." Which were adopted, and *Ordered* that the Secretary return said Bill & the reasons afores<sup>d</sup>. to the House of Representatives and inform them accordingly.

Rec<sup>d</sup>. also for revision & an engrossed bill entitled "An act fixing the time at which public acts hereafter passed shall take effect & be in force," which was read & amended by striking out the words "of the present session and," in the 2<sup>d</sup>. line, & inserting the words *by this or any future Legislature* immediately after the word "enacted" at the end of the second line. Whereupon *Resolved* to concur in passing said bill as amended. *Ordered* that the Secretary inform the House accordingly.

The petition of Benj<sup>a</sup>. T. Buell, a convict in the State prison, was taken up & the question "Shall the s<sup>d</sup>. Benj<sup>a</sup>. T. Buell be discharged from

imprisonment?" having been put, was determined in the affirmative. Yeas 8. Nays 3. Those who voted in the affirmative were Messrs. Beardsley, Cahoon, Green, Griswold, Janes, Robinson, Sherman and Wardner. Those who voted in the negative were Messrs. Cobb, Howe & Jenison. The petition of John Hatch Ellis, a convict in the State prison, was taken up, & the question "Shall the said John Hatch Ellis be discharged from the State prison?" having been put, was determined in the affirmative. Those who voted in the affirmative were Messrs. Beardsley, Cahoon, Cobb, Green, Griswold, Howe, Janes, Jenison, Robinson, Sherman & Wardner. Yeas 11. Nays 0. The petitions of William Gould, Francis Grant, Robert Gray, Anthony Gonio, Charles Ball, John Brown, Willard Daggett, Norman Cleveland, John Aitkin, Dyar Weaver, William Utter, Joseph Twombly, Peter Thomas, William Taylor, Reuben Tuttle, Cornelius Truax, Ozias Silsby, Pliny Southwick, Isaac Stanhope, John Sweetser, & George Shepherd, convicts in the State prison, were taken up & severally *Ordered* to be dismissed. Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—Governor & Council met agreeably to adjournment. The House sent up for concurrence in passing the following resolution, to wit, "Resolved, the Governor & Council concurring herein, that the Committee on Manufactures be instructed to inquire into the expediency of passing a law providing for the inspection of all wheat, rye & flour sold within this State, & also to provide for the appointment of one or more inspectors of flour in each of the Counties in this State." *Also*, "Resolved, the Governor & Council concurring herein, that both Houses meet in Joint Committee in the Representatives' room at 10 o'clock A. M. on Tuesday next to elect a Brigadier General for the 3<sup>d</sup> Brigade, 1<sup>st</sup> Division of the Militia of this State, to supply the vacancy occasioned by the resignation of Brigadier General Oramel H. Nichols"; which were read, Whereupon *Resolved* to concur in passing said resolutions. *Ordered* that the Secretary inform the House of the concurrence in the last named.

Rec<sup>d</sup>. also for concurrence in the reference to the Judiciary Committee "An act to incorporate the Vermont Hospital for the relief of Insane persons," Whereupon *Resolved* to concur in s<sup>d</sup> reference.

Rec<sup>d</sup>. from the House for concurrence in the reference the following, to wit, "An act in addition to an act entitled an act to extend the provisions of an act therein mentioned," with an order of reference thereon to the General Committee. *Also* "An act directing the Treasurer to pay Theophilus Grout the sum therein mentioned," and "An act directing the Treasurer to pay Moses Hale the sum therein mentioned," with an order of reference on each to the Committee of Claims. *Also*, "An act incorporating the Ludlow Manufacturing Company," with an order of reference to the Com. on Manufactures. *Also* "An act for the relief of Divine T. Morse," with an order of reference thereon to the Committee of Ways & Means. Whereupon *Resolved* to concur in said several orders of reference.

Mr. Cobb introduced the following resolution,

"IN COUNCIL Oct<sup>r</sup> 22<sup>d</sup>, 1834.

"Resolved that the Superintendent of the Vermont State Prison be directed to furnish each of the Councillors with a copy of the State Prison [report] at the commencement of each session of the Legislature," which was read & passed.

Petition of Ethan A. Wheeler, a State prison convict, was taken up & *Ordered* to be dismissed. Petition of Lucius Hill, a convict in the State prison, now confined in consequence of the fine being unpaid which he was sentenced to pay, praying that s<sup>d</sup>. fine might be remitted & [he] be



discharged from imprisonment, was taken up & the question "Shall the fine of s<sup>d</sup>. Lucius Hill be remitted & [he] be discharged from imprisonment?" having been put was determined in the affirmative. Yeas 12. Nays 0. Those who voted in the affirmative were Messrs. Beardsley, Birchard, Cahoon, Cobb, Green, Griswold, Howe, Janes, Jenison, Robinson, Sherman & Wardner. Adjourned to 9 o'clock tomorrow morning.

THURSDAY Oct<sup>r</sup> 23, 1834. 9 o'clock A. M.

The Governor & Council met agreeably to adjournment.

The House sent up for revision & concurrence &c the engrossed bill entitled "An act incorporating the Black River Academy," which was read; Whereupon *Resolved* to concur in passing said Bill. Rec<sup>d</sup>. also, for revision &c an engrossed bill entitled "An act appropriating a sum therein mentioned to defray the expenses of the Council of Censors," which was read, whereupon *Resolved* to concur in passing said bill. Rec<sup>d</sup>. also an engrossed bill entitled "An act in addition to an act entitled an act directing the proceedings against the trustees of concealed or absconding debtors," which was read, Whereupon, *Resolved* to concur in passing said bill. Rec<sup>d</sup>. also an engrossed bill for revision &c entitled "An act altering the name of Levi Nedd, which was read, Whereupon *Resolved* to concur in passing said bill. Rec<sup>d</sup>. also, for revision &c an engrossed bill entitled "An act altering the name of Kingston" [to Granville,] which was read, Whereupon: *Resolved* to non-concur in passing said bill & Mr. Beardsley was appointed to prepare reason therefor. Rec<sup>d</sup>. also for revision &c an engrossed bill entitled "An act laying a tax on the lands in Morgan," which was read, Whereupon *Resolved* to concur in passing said bill. Rec<sup>d</sup>. also for revision &c an engrossed bill entitled "An act to incorporate the Philological Society of Middlebury College," which was read; Whereupon *Resolved* to concur in passing said bill. Rec<sup>d</sup>. also for revision &c an engrossed bill entitled "An act to incorporate the University Institute of the University of Vermont," which was read, Whereupon *Resolved* to concur in passing said bill. Rec<sup>d</sup>. also for revision &c an engrossed bill entitled "An act directing the Treasurer of this State to credit the first Constable of Berlin the sum therein mentioned," which was read, Whereupon *Resolved* to concur in passing said bill.

Mr. Beardsley, who was appointed to report reasons for nonconcurring in the engrossed bill entitled "An act altering the name of Kingston," presented the following, to wit, "1<sup>st</sup>. That the alteration will occasion uncertainty & confusion & have a tendency to lead to mistakes & misapprehensions in relation to notices & advertisements affecting real estate in said Town, which may prove prejudicial to persons resident abroad & interested therein. 2<sup>nd</sup>. That it is impolitic to alter the name of a Town except for very strong reasons, which in the opinion of the Governor & Council do not exist in this case.

H. R. BEARDSLEY for the Governor & Council."

Which were adopted. *Ordered* that the Secretary return said bill & the reasons to the House, & inform the House of the concurrence of the Governor & Council in the eight last mentioned cases.

The House sent up for concurrence in passing the following resolution, to wit, "Resolved, the Governor & Council concurring herein, that the Quarter Master General be, and he hereby is directed to furnish to the Artillery Company in Chelsea, in Orange County, a piece of Artillery for the use of said company, the said Quarter Master General taking the usual & proper vouchers therefor, and the said company to hold said

piece of Artillery on the same terms & conditions that other companies hold pieces of Artillery furnished by the State," with an order of reference thereon to the Committee on Military Affairs. Whereupon *Resolved* to concur in passing said resolution & in said reference.

Rec<sup>d</sup>. from the House for concurrence in the reference the following, to wit, "An act for the organization of the Surveyor General's department," with an order of reference thereon to a select committee of four members of the House, to join from Council. Whereupon *Resolved* to concur in said reference and Mr. Jenison appointed from Council. Rec<sup>d</sup>. also for concurrence in the reference, "An act appointing a Collector in the town of Westhaven," with an order of reference on same to the Judiciary Committee. Whereupon *Resolved* to concur in said reference.

The petitions of Otis Wilcox, Lyman Sears, Jon<sup>a</sup>. Sergeant, James Nutting, William Murgatroy, Hazeltine Maxwell, Alexander Germain, & Giles Hill, convicts in the State Prison, were taken up & severally *Ordered* to be dismissed. The petition of James C. Hill, a convict in the State prison, was taken up, & the question "Shall the said James C. Hill be discharged from imprisonment?" was determined in the affirmative. Yeas 11. Nays 0. Those who voted in the affirmative were The L<sup>t</sup> Governor, Messrs. Cahoon, Cobb, Green, Griswold, Howe, Janes, Jenison, Robinson, Sherman and Wardner. The petition of Hiram Lee, a convict in the State prison, was taken up and the question "Shall the said Hiram Lee be discharged from imprisonment?" was determined in the affirmative. Yeas 8. Nays 4. Those who voted in the affirmative were Messrs. Birchard, Cahoon, Cobb, Green, Griswold, Jenison, Sherman & Wardner. Those in the negative were The L<sup>t</sup> Governor, Messrs. Howe, Janes, & Robinson. Adjourned to 2 o'clock P. M.

2 O'CLOCK, P. M.—The Governor & Council met agreeably to adjournment, and proceeded to the Representatives' room on adjournment of the joint Committee to complete the nomination & appointment of County officers, after which they returned to their Chamber.

The petition of Benj<sup>a</sup>. P. Starkie, a convict in the State prison, was taken up, and *Ordered* to be dismissed.

The House sent up for concurrence in the reference to the Judiciary Com. "An act in explanation of an act therein mentioned," and "An act directing the Treasurer of this State to pay the town of Brandon the sum therein mentioned," with an order of reference to the Committee of Ways & Means. Rec<sup>d</sup>. also, "An act in addition to an act constituting Probate Courts," with an order of reference to the Judiciary Committee. Also, "An act in addition to an act regulating the Militia," with an order of reference to the Committee on Military Affairs. Also "Petition of Amplus Blake & others praying for the repeal of the law granting licenses to hawkers & pedlars," and the "act relating to retailers of Spirituous Liquors," with an order of reference to the General Committee. Whereupon *Resolved* to concur in said several orders of reference.

Rec<sup>d</sup>. for concurrence in passing from the House the following resolution, "Resolved, the Governor & Council concurring herein, that the Committee on Banks be instructed to inquire into the expediency of passing a law requiring the Cashiers and Presidents of the several Banks in this State to report, annually, to the Hon. Speaker of this House, the true situation of the several Banks in this State, on oath, & report by bill or otherwise," which was read. *Resolved* to concur in passing.

On motion of Mr. Beardsley, *Resolved* to re-consider the vote dismissing the petition of Jonathan Sergeant, a convict in the State prison,—and the question "Shall the said Jonathan Sergeant be discharged from imprisonment?" having been put was determined as follows, Yeas 6. Nays 6. Those who voted in the affirmative were Messrs. Beardsley,

Birchard, Green, Griswold, Sherman & Wardner. Those who voted in the negative were The Lt Governor, Messrs. Cobb, Howe, Janes, Jenison & Robinson. So the casting vote was given by His Excellency in the negative:—and s<sup>d</sup>. petition was then *Ordered* to be dismissed.

Rec<sup>d</sup> from the House for concurrence in the reference, the following, to wit, "An act in addition to an act regulating marriage & divorce," with an order of reference to the Judiciary Committee. *Also* "An act regulating the uniform of the officers of the Militia," with an order of reference to the Committee of Military Affairs. *Also*, "An act to revive an act laying a tax on the lands in Waterville," with an order of reference thereon to the Land Tax Committee. *Also* "Petition of Enos Blinn & others praying for an extension of the limits of Jail Yards in this State," with an order of reference to the Committee on Insolvency. Whereupon *Resolved* to concur in said several orders of reference. Adjourned to 9 o'clock tomorrow morning.

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FRIDAY Oct<sup>r</sup> 24, 1834. 9 o'clock A. M.

The Governor & Council met agreeably to adjournment. The House sent up for revision and concurrence &c an engrossed bill entitled "An act compensating the Superintendent of the Vermont State prison," which was read, Whereupon *Resolved* to concur in passing said bill. Rec<sup>d</sup> also an engrossed bill for revision &c entitled "An act incorporating the Troy Conference Academy," which was read; Whereupon *Resolved* to concur in passing said bill. *Ordered* that the Secretary inform the House of the [concurrence of the] Governor & Council in the two last mentioned cases.

Rec<sup>d</sup> from the House for concurrence in the reference, the following, to wit, "Petition of Philo Willey & others praying that imprisonment for debt may be abolished," with an order of reference thereon to the Committee on Insolvency. *Also* "Petition of Joseph Beeman praying for relief," with an order of reference to the Judiciary Committee. Whereupon *Resolved* to concur in said several orders of reference.

Rec<sup>d</sup> also for recommitment to the Land Tax Committee, the following, "An act laying a tax on the lands in Bloomfield," Whereupon *Resolved* to concur in s<sup>d</sup>. recommitment. Rec<sup>d</sup> also for concurrence in the reference, the Quarter Master General's report," with an order of reference to the Committee on Military Affairs. *Also* "An act for the relief of the town of Athens," with an order of reference thereon to the Committee on Roads & Canals. Whereupon *Resolved* to concur in said several orders of reference.

Rec<sup>d</sup> also, "Resolved, the Governor & Council concurring herein, that the Committee on Roads & Canals be instructed to inquire into the expediency of passing a law authorizing any town in this State, where a bridge shall be required to be built near the line of another town, and where s<sup>d</sup>. towns shall be greatly benefitted by said bridge, to call on said towns to bear their equitable proportion of the expense of said bridge, and to proceed in the same manner as when a bridge is to be built between two towns; and report by bill or otherwise." And also, "Resolved, the Governor & Council concurring herein, that the Judiciary Committee be instructed to inquire into the expediency of passing a law prohibiting any Judge of the Supreme or County Courts engaging as counsel in any cause after his appointment," which were severally read, Whereupon *Resolved* to concur in passing said resolutions.

The House sent up the following, "Resolved, the Governor & Council concurring herein, that both Houses meet in Joint Committee in the

Representatives' room on Tuesday next at 10 o'clock A. M. for the purpose of electing a Brigadier Gen<sup>l</sup> in the 1<sup>st</sup> Brigade & 1<sup>st</sup> division of the Militia of this State, to fill the vacancy occasioned by the resignation of General James L. Stark." Read and Thereupon *Resolved* to concur in passing said resolution. *Ordered* that the Secretary inform the House of such concurrence.

The Governor & Council proceeded to the Representatives' room on the joint resolution [for] appointing Commissioners of deaf & dumb, &c. after which they returned to their Chamber, and Adjourned to 2 o'clock P. M.<sup>1</sup>

2 O'CLOCK P. M.—The Governor & Council met agreeably to adjournment. Rec<sup>d</sup> a written communication from the Speaker of House of Representatives informing that the House had concurred in the amendments proposed by the Governor & Council to the engrossed bill entitled "An act fixing the time when public acts hereafter passed shall take effect & be in force.

Rec<sup>d</sup> from the House for revision &c. an engrossed bill entitled "An act directing the Treasurer to pay the Bank Commissioners the sum therein mentioned," which was read. Whereupon *Resolved* to concur in passing said bill. Rec<sup>d</sup> also, for revision &c. an engrossed bill entitled "An act directing the Treasurer to pay Josephine Culver the sum therein mentioned," which was read, and the question "Will the Governor & Council concur with the House in the passage of said bill?" having been put, was determined in the affirmative. Yeas 8. Nays 3. Those who voted in the affirmative were, Messrs. Beardsley, Birchard, Cahoon, Cobb, Green, Janes, Robinson, & Wardner. Those who voted in the negative were Messrs. Griswold, Howe & Jenison. L<sup>t</sup> Governor was excused from voting.<sup>2</sup> Rec<sup>d</sup> also for revision &c. an engrossed bill entitled "An act altering the name of Rebecca Strong," which was read, Whereupon *Resolved* to concur in passing said bill. *Ordered* that the Secretary inform the House of the concurrence in the three last mentioned cases.

Rec<sup>d</sup> also for revision &c. an engrossed bill entitled "An act to repeal the providing clause of an act therein mentioned," which was read, Whereupon *Resolved* to non-concur in passing said bill; and Mr. Griswold appointed to report the reasons therefor.

Rec<sup>d</sup> also, for concurrence in the reference, the following to wit, "An act to preserve the Pickerel in Lake Memframagog," with an order of reference thereon to a select committee of two members of the House, to join from Council: Whereupon *Resolved* to concur in said reference & Mr. Robinson appointed from Council. Rec<sup>d</sup> also, "An act to incorporate the Randolph Hydraulic Company," and "An act to incorporate the Vermont Hospital for the relief of Insane persons," and "An act in addition to an act regulating suits relating to landed property," with an order of reference on each to the Judiciary Committee. Whereupon *Resolved* to concur in said several orders of reference.

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<sup>1</sup>The following elections were made: William Blackmer, Brigadier General; John Smith of St. Albans, Thomas D. Hammond, and Allen Wardner, Commissioners of the Deaf & Dumb, and Milton Brown, Agent to settle the concerns of the Vermont State Bank.

<sup>2</sup>The husband of Mrs. Culver, while in the service of the State in blasting rocks preparatory for the foundation of the then new State-House, had been accidentally killed.

The House sent up for concurrence in passing the following resolution, to wit, "*Resolved*, the Governor & Council concurring herein, that both Houses meet in joint Committee in the Representatives' room on Tuesday next at 10 o'clock A. M. for the purpose of electing a Brigadier General in the 2<sup>d</sup> Brigade & 2<sup>d</sup> division of the Militia of this State, to fill the vacancy occasioned by the resignation of General Ambrose L. Brown," which was read, Whereupon: *Resolved* to concur. & *Ordered* that the Secretary inform the House thereof.

Mr. Jenison introduced the following, to wit, "*Resolved*, the House of Representatives concurring herein, that the Judiciary Committee be instructed to inquire into the expediency of providing by law for the receiving & keeping in confinement & at hard labor in the Vermont State prison, convicts who may be sentenced to confinement & hard labor by the United States Courts within this State, & report by bill or otherwise." Read and passed.

On motion *Resolved* to reconsider the vote dismissing the petition of William Gould, a State prison convict, on the 22<sup>d</sup> instant, and the question "Shall the said William Gould be discharged from imprisonment?" having been put was determined in the affirmative, on condition that said William Gould leave the State within 30 days & keep from this State. Yeas 10. Nays 2. Those who voted in the affirmative were The L<sup>t</sup> Governor, Messrs. Beardsley, Cahoon, Green, Griswold, Howe, Janes, Robinson, Sherman & Wardner. Those who voted in the negative were Messrs. Cobb & Jenison. The petition of Thomas Barnes, a convict in the State prison, was taken up & the question "Shall the said Thomas Barnes be discharged from imprisonment?" having been put, it was determined in the affirmative. Yeas 9. Nays 3. Those who voted in the affirmative were The L<sup>t</sup> Governor, Messrs. Beardsley, Cahoon, Green, Griswold, Janes, Robinson, Sherman & Wardner. Those who voted in the negative were Messrs. Cobb, Howe & Jenison.

Rec<sup>d</sup> from the House for concurrence in the reference the following, to wit, "An act fixing a place of holding Courts in the County of Addison," with an order of reference to the General Committee. Also "An act in addition to an act entitled an act establishing a corporation by the name of the Sherburne Turnpike Company," with an order of reference thereon to the Committee on Roads & Canals. Also "An act incorporating the Third Bellows Falls Aqueduct Company," with an order of reference thereon to the Judiciary Committee. Also "An act in addition to & amendment of an act entitled an act regulating town meetings & the choice & duty of town officers, passed Feb. 28, 1797, and of the several acts in addition thereto," with an order of reference thereon to the Judiciary Committee. Whereupon *Resolved* to concur in said several orders of reference. Rec<sup>d</sup> also for concurrence in the reference, "An act to encourage the destruction of Bears within this State," with an order of reference thereon to the General Committee. Whereupon *Resolved* to concur in said order of reference.

Rec<sup>d</sup> from the House for concurrence in passing the following resolution, to wit, "*Resolved*, the Governor & Council concurring herein, that the Agent appointed to settle the concerns of the Vermont State Bank be and he hereby is directed to report to the next session of the Legislature the amount of property now belonging to s<sup>d</sup> Bank, whether personal or real estate, the value of said estate, with a statement of the debts due said institution—designating the good, bad and doubtful—and cash on hand—and a statement of the whole expense of superintending the concerns of said Bank since it ceased operation," which was read, Whereupon *Resolved* to concur in passing said resolution, and *Ordered* that the Secretary inform the House of such concurrence.

Rec<sup>d</sup> also the following resolution, "Resolved, the Governor & Council concurring herein, that the Committee on Military Affairs be instructed to inquire into the expediency of so altering the Militia law that staff appointments may be made otherwise than from the line, & that they report by bill or otherwise," which was read, Whereupon *Resolved* to concur in passing said resolution. Adjourned to 9 o'clock tomorrow morning.

SATURDAY Oct<sup>r</sup> 25, 1834. 9 o'clock A. M.

The Governor & Council met agreeably to adjournment. On motion, *Resolved* to reconsider the vote passed on the 23<sup>d</sup> instant dismissing the petition of Jonathan Sargeant, a convict in the State prison, and the question "Shall the said Jonathan Sargeant be discharged from imprisonment?" having been put was determined in the affirmative. Yeas 7. Nays 6. Those who voted in the affirmative were Messrs. Beardsley, Birchard, Cahoon, Green, Griswold, Sherman & Wardner. Those who voted in the negative were The L<sup>t</sup> Governor, Messrs. Cobb, Howe, Jones, Jenison & Robinson.

Mr. Griswold, who was appointed to prepare reasons for non-concurring in the engrossed bill entitled "An act to repeal the providing clause in an act therein mentioned," presented the following, to wit, 1<sup>st</sup>. Because the Governor & Council believe that the act as it now exists in force will prove more beneficial in its operation upon community than by the repeal of the proviso to the 1<sup>st</sup> section of the original act. 2<sup>d</sup>. That the repeal of the proviso as afores<sup>d</sup> may in many instances operate severely upon the poor residing in villages, afford designing persons opportunities to gratify revenge or ill will against their neighbors, when their cattle may be accidentally found running at large in the day time without the intended permission or consent of the owners, & may have a great tendency to promote strife & litigation amongst the inhabitants of such villages. 3<sup>d</sup>. The Governor & Council are not aware that there are any sufficient evils existing under the operation of the present act to justify the repeal or alteration of its provisions," which were read and adopted, Whereupon *Ordered* that the Secretary return said bill & the afores<sup>d</sup> reasons to the House.

Rec<sup>d</sup> from the House for concurrence in passing & reference the following resolution, "Whereas sundry inhabitants of Montpelier having subscribed liberally for the erection of the new State House, and whereas, as one half of their subscriptions have already been paid to the State, and owing to the severe pressure of the times it would be inconvenient for many of s<sup>d</sup>. subscribers to pay this fall, the full amount of their subscriptions:—Therefore, resolved, the Governor & Council concurring herein, that the Treasurer of this State be directed to delay the collection of one half of s<sup>d</sup>. subscriptions now due for the term of one year—Provided that the other moiety be paid by the first day of December next"; with an order of reference to the Committee of Ways & Means, which was read, Whereupon *Resolved* to concur in passing & in the reference.<sup>1</sup>

The House sent up for revision &c an engrossed bill entitled "An act to discontinue two roads therein named," which was read, Whereupon *Resolved* to non concur in passing said bill, & Mr. Beardsley [was appointed] to prepare reasons therefor in writing.

Rec<sup>d</sup> also for revision &c an engrossed bill entitled "An act laying a

<sup>1</sup> This record of the *passage* of the resolution is of course erroneous. The resolution was referred simply, and that was the last of it.

tax on the lands in Brownington," which was amended by inserting immediately after the word "County" in the commencement of the 11<sup>th</sup> line the following, to wit, *and should a balance remain after the completion of said new road it shall be laid out on any other road in said town at the discretion of the Committee.* Whereupon *Resolved* to concur in passing said bill as amended. *Ordered* that the Secretary inform the House accordingly.

*Recd.* also for revision &c an engrossed bill entitled "An act to incorporate the Weathersfield Manufacturing Company," which was read, Whereupon *Resolved* to concur in passing said bill. *Recd.* also for revision &c an engrossed bill entitled "An act to incorporate the Upper Falls Manufacturing Company in Perkinsville in the County of Windsor," which was read; Whereupon *Resolved* to concur in passing said bill. *Recd.* also for revision &c an engrossed bill entitled "An act directing the Treasurer to pay Mayo & Follett the sum therein mentioned," which was read, Whereupon *Resolved* to concur in passing said bill. *Ordered* that the Secretary inform the House of such concurrence in the three last mentioned cases.

*Recd.* also for revision &c an engrossed bill entitled "An act to incorporate the Leland Classical and English School at Townshend," which was amended by adding to the bill the following: "Section 3<sup>d</sup>. It is hereby further enacted that all the privileges of this act shall be under the control of this or any future Legislature, so as to alter, amend or repeal the same at pleasure as the public good may require," Whereupon *Resolved* to concur in passing said bill as amended. *Ordered* that the Secretary inform the House accordingly.

*Recd.* also for revision &c an engrossed bill entitled "An act to incorporate Goshen Turnpike Company," which was amended by striking out immediately after the word "horse" in the 14<sup>th</sup> line of the 4<sup>th</sup> section the words "twelve and one half" & insert in lieu thereof the word *eight*, Whereupon *Resolved* to concur in passing said bill as amended. *Ordered* that the Secretary inform the House accordingly.

*Recd.* also for revision &c an engrossed bill entitled "An act incorporating the Woodstock Manufacturing Company," which was read, Whereupon *Resolved* to non-concur in passing said bill, & Mr. Howe [appointed] to report reasons therefor.

Mr. Beardsley, who was appointed to prepare reasons for non-concurring in the bill entitled "An act to discontinue two roads therein mentioned," presented the following, to wit, "1<sup>st</sup> The County & Supreme Courts, on proper application, are authorized to appoint proper Boards with full powers to discontinue the Roads mentioned in said act, and the subject matter thereof, in the opinion of the Governor & Council, ought to be referred to said Boards. 2<sup>d</sup> The Governor & Council are not satisfied that the rights of some person or persons may not be compromised by said act.

H. R. BEARDSLEY for Governor & Council:" which were approved, and *Ordered* that the Secretary return said bill & the reasons afores<sup>d</sup>. to the House.

*Recd.* from the House "Report of Secretary of State relative to Vert. Reports," with an order of reference to the General Committee thereon. *Also* "An act to encourage the destruction of Bears within this State," with an order of reference thereon to the General Committee. *Also* "An act in addition to & amendment of an act entitled an act to encourage the destruction of Foxes within this State," with an order of reference to the Committee on Agriculture. *Also* "An act for the relief of the town of Rockingham," with an order of reference thereon to the Committee on Roads & Canals. Whereupon *Resolved* to concur in s<sup>d</sup>. several orders of reference.

Rec<sup>d</sup>. also from the House for concurrence in the reference the following, to wit, "An act more effectually to protect the sepulchres of the dead, and to legalize the study of anatomy in certain cases," with an order of reference thereon to the Committee on Education. Also "An act in relation to contested elections," with an order of reference thereon to a select committee of two members of the House, to join from Council. Whereupon *Resolved* to concur in said several acts of reference, & Mr. Jenison appointed on the Select Committee. Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—The Governor & Council met agreeably to adjournment. Adjourned to 9 o'clock Monday morning.

#### MONDAY Oct<sup>r</sup> 27, 1834.

The Governor & Council met agreeably to adjournment. Mr. Howe, who was appointed to prepare reasons for non-concurring in the act entitled "An act incorporating the Woodstock Manufacturing Company," presented the following, to wit, "The Governor & Council regard this bill as creating a *sole* corporation. They consider it not only *unnecessary*, but *inexpedient* to create corporations of this character. *Unnecessary*, because any individuals can engage in all kinds of business designed to be *fairly* prosecuted, as well without as with an act of incorporation. *Inexpedient*, because individuals thus incorporated may, if so disposed, defraud the public, by concealing the real situation of said corporations, and, at the same time, withhold their private property from the payment of debts which in Justice should be paid. The Governor & Council are aware that there are, in this State, some few corporations of this character, and fully believe that such have been the evils flowing from them," which were approved, and Thereupon *Ordered* that the Secretary return said bill & reasons to the House.

The House sent up for revision &c an engrossed bill entitled "An act to repeal part of an act therein mentioned," which was amended by inserting immediately after the word "That," in the 2<sup>d</sup>. line, the words *the second & third section, and, &* by adding to said bill the following: "Section 2<sup>nd</sup>. It is hereby further enacted, that the said road is hereby declared to be a public road; and that the towns through which it passes shall be holden to repair the same, and for all damages in consequence of defects in said road, in the same manner as if the same had been laid & opened by said towns respectively, & that the Selectmen of the several towns afores<sup>d</sup>. shall have the same power to discontinue, alter or set over said road, or any part thereof, as though the same had been originally laid out by such selectmen." Whereupon *Resolved* to concur in passing said bill as amended. *Ordered* that the Secretary inform the House accordingly.

Rec<sup>d</sup>. also for revision &c an engrossed bill entitled "An act to incorporate the Black River Manufacturing Company," which was amended by inserting immediately after the word "and," in the 2<sup>d</sup>. line of the 5<sup>th</sup>. Section, the words *at all times*. Whereupon *Resolved* to concur in passing said bill as amended. *Ordered* that the Secretary inform the House accordingly.

Rec<sup>d</sup>. also for concurrence in the reference the following, to wit, "An act in addition to & in alteration of an act entitled an act relating to pounds & estrays and lost goods," with an order of reference thereon to the General Committee. Also "An act for the relief of the town of Guilford," with an order of reference thereon to the Committee on Roads



& Canals. Whereupon *Resolved* to concur in said several orders of reference. Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—The Governor & Council met agreeably to adjournment. The House sent up for concurrence in passing the following resolution, to wit, "*Resolved*, the Governor & Council concurring herein, that the members of the County of Windsor meet in County Convention, at the rising of the House this afternoon, to nominate two Jail Commissioners to supply the vacancy caused by two resignations signified by his Excellency a few days since, & that both Houses meet in joint Committee, on Tuesday next at 10 o'clock forenoon, to receive such nomination & make the appointments," which was amended by inserting immediately after the word "Windsor," in the 3<sup>d</sup> line, the words *together with the Councillor from said County*, Whereupon *Resolved* to concur in passing said resolution as amended. *Ordered* that the Secretary inform the House accordingly.

Rec<sup>d</sup>. from the House for revision &c. an engrossed bill entitled "An act to restore John Stewart to his legal privileges," which was read, Whereupon *Resolved* to *non* concur in passing said bill, and Mr. Howe appointed to assign reasons therefor to the House of Representatives.

Rec<sup>d</sup>. from the House for concurrence in passing the following resolution, "*Resolved*, the Governor & Council concurring herein, that the General Committee be instructed to inquire into the expediency of distributing the several volumes of the reports of the Judges of the Supreme Court in this State equally among the towns in this State, and report by bill or otherwise," Whereupon *Resolved* to concur in passing said resolution.

Rec<sup>d</sup>. also for concurrence in the reference the following, to wit, "An act to incorporate certain persons therein named by the name of the Otter Creek Glass Company," with an order [of reference] thereon to the Committee on Manufactures, Whereupon *Resolved* to concur in said order of reference. Rec<sup>d</sup>. also "Petition of Samuel Swift and E. D. Barber praying for a tax on the County of Addison for the purpose of building a new Jail," with an order of reference thereon to a Select Committee of the Members of the House from Addison County, to join from Council. Whereupon *Resolved* to concur, & Mr. Jenison appointed from Council. Also "An act for the relief of Lewis Tucker," with an order [of reference thereon] to the Committee of Ways & Means. Also "An act [in addition to an act] entitled an act regulating & governing the Militia of this State," with an order [of reference] thereon to the Committee on Military Affairs. Also "An act for the relief of the town of Plymouth," with an order of reference thereon to the Committee of Ways & Means. Also "An act in addition to an act directing the Listers in their office & duty," with an order of reference thereon to the General Committee. Whereupon *Resolved* to concur in said several orders of reference. Adjourned to 9 o'clock tomorrow morning.

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TUESDAY Oct<sup>r</sup> 28, 1834. 9 o'clock A. M.

The Governor & Council met agreeably to adjournment. Rec<sup>d</sup>. from the House for concurrence in the reference the following, "An act in addition to an act entitled an act regulating Town meetings & the choice & duty of town officers," with an order of reference thereon to the General Committee. Also "An act [in addition to an act] entitled an Act regulating & governing the Militia of this State," with an order of reference thereon to the Committee on Military Affairs. Also "An act to extend the limits of Jail Yards and for other purposes," with an order

[of reference thereon] to the Judiciary Committee. *Also* "An act to incorporate the Bennington Cotton Company," with an order of reference thereon to the Committee on Manufactures. *Also* "An act to incorporate the Bank of Castleton," with an order of reference thereon to the Committee on Banks. *Also* "An act relating to suits in Chancery," and "An act in relation to the reports of the Supreme Court," with an order of reference to the Judiciary Committee on each. *Also* "An act to incorporate certain persons therein named by the name of the St. Albans Dock Company," with an order of reference to the Committee on Roads & Canals. Whereupon *Resolved* to concur in said several orders of reference.

*Recd. also* "An act to authorize the loaning of the monies in the Treasury of the County of Windham," with an order of reference to the committee consisting of the members of the House from Windham County, to join from Council, Whereupon : *Resolved* to concur in *s<sup>d</sup>*. reference and Mr. Birchard appointed from Council.

*Recd. also* for concurrence in passing the following resolution, to wit, "Resolved, the Governor & Council concurring herein, that the Committee on Agriculture be instructed to inquire whether any, and if any what, protection or encouragement ought to be afforded to the growth & manufacturing of silk within this State, & that they report by bill or otherwise." Whereupon *Resolved* to concur in passing said resolution. *Recd. also* the following, "Resolved, the Governor & Council concurring herein, that the Judiciary Committee be directed to inquire into the expediency of requiring Committees, who shall be appointed by the County Courts to expend fines imposed on Towns for the repair of Highways, to give bonds for the faithful application of said fines; & also of making further provision by law for calling said Committees to an account, & report by bill or otherwise," Whereupon *Resolved* to concur in passing said resolution. *Recd. also*, "Resolved, the Governor & Council concurring herein, that the General Committee be instructed to inquire into the expediency of providing by law for the appointment of measurers of Salt," which was read; Whereupon *Resolved* to concur in passing said resolution.

*Recd.* from the House for revision &c an engrossed bill entitled "An act directing the Treasurer of this State to pay Albert Stevens the sum therein mentioned," which was read; Whereupon *Resolved* to concur in passing said bill. *Recd. also* for revision &c an engrossed bill entitled "An act directing the Treasurer of this State to give up a certain note therein mentioned," which was read, Whereupon, *Resolved* to concur in passing said bill. *Recd. also* for revision &c an engrossed bill entitled "An act directing the Treasurer to pay Silas Houghton the sum therein mentioned," which was read; Whereupon *Resolved* to concur in passing said bill. *Recd. also* for revision &c an engrossed bill entitled "An act directing the Treasurer to pay Moses Hall the sum therein mentioned," which was read, Whereupon, *Resolved* to concur in passing said bill. *Recd. also* for revision &c an engrossed bill entitled "An act annexing a part of Hancock to the town of Rochester," which was read, Whereupon, *Resolved* to concur in passing said bill. *Recd. also* an engrossed bill for revision &c entitled "An act directing the Treasurer to credit the first Constable of Williamstown the sum therein mentioned," Whereupon *Resolved* to concur in passing said bill. *Recd. also* an engrossed bill for revision &c entitled "An act appointing a Collector in Underhill," which was read, Whereupon *Resolved* to concur in passing said bill. *Recd. also* for revision &c an engrossed bill entitled "An act laying a tax on the lands in Readsboro," which was read, Whereupon *Resolved* to concur in passing said bill. *Ordered* that the Secretary inform the House of the concurrence of the Governor & Council in the eight last mentioned cases.

The petition of Marcus B. Scott, a convict in the State prison, was taken up and the question "Shall the said Marcus B. Scott be discharged from imprisonment?" having been put, was determined in the affirmative. Yeas 12. Nays 0. Those who voted in the affirmative were, The Lt Governor, Messrs. Beardsley, Birchard, Cahoon, Green, Griswold, Howe, Janes, Jenison, Robinson, Sherman & Wardner.

The Governor & Council proceeded to the Representatives' room on an adjournment of the joint Committee—after which they returned to their Chamber, and Adjourned to 2 o'clock P. M.<sup>1</sup>

2 O'CLOCK P. M.—The Governor & Council met agreeably to adjournment. The House sent up for concurrence in the reference the following, "An act to incorporate the President, Directors & Company of the People's Bank," with an order of reference to the Committee on Banks, Whereupon *Resolved* to concur in said order of reference.

Recd. also the following, "Resolved, the Governor & Council concurring herein, that the Committee on Banks, to whom was referred the bill incorporating the People's Bank, be instructed to report whether there be any essential omissions or alterations necessary in the details of sd. Bill," Whereupon *Resolved* to concur in passing sd. resolution.

Recd. also, for concurrence in the reference, "An act to revive an act incorporating the Village of Montpelier," with an order of reference to the General Committee—Whereupon, *Resolved* to concur in said order of reference. Recd. also, "An act directing the Treasurer to pay Daniel P. Thompson the sum therein mentioned," with an order of reference thereon to the Committee of Claims. Also, "An act for the relief of James Southard," with an order of reference thereon to the Committee of Claims. Whereupon *Resolved* to concur in said orders of reference.

Recd. also, for concurrence in passing, the following resolution, to wit, "Resolved, the Governor & Council concurring herein, that the Representatives from the County of Windsor, with the Councillor from that County, meet in County Convention, at the rising of the House in the afternoon of Wednesday, the 29<sup>th</sup> inst. for the purpose of nominating two Commissioners of Jail delivery for the County of Windsor for the remainder of the current political year, to supply the two vacancies caused by the resignation of Lyndon A. Marsh, & Edwin Hutchinson, and that both Houses meet in joint Committee in the Representatives' room at 10 o'clock A. M. on Thursday the 30<sup>th</sup> inst. to make said appointments of said Commissioners," which was read, Whereupon *Resolved* to concur in passing said resolution. *Ordered* that the Secretary inform the House of such concurrence. Adjourned to 9 o'clock tomorrow morning.

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WEDNESDAY Oct<sup>r</sup> 29, 1834. 9 o'clock A. M.

The Governor & Council met agreeably to adjournment. Recd. a written communication from the Speaker of the House informing that the House had concurred in the amendment proposed by the Governor & Council to the bill entitled "An act to repeal part of an act therein mentioned," and also adopted the amendment proposed to the bill entitled "An act to incorporate the Black River Manufacturing Company."

Recd. also for revision &c. an engrossed bill entitled "An act laying a tax on the lands in Bloomfield," which was read, Whereupon *Resolved*

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<sup>1</sup> The following elections were made: John S. Pettibone, Bank Inspector; Harry Hale, Bank Commissioner; Francis E. Phelps, and Barzillai Davenport, Brigadier Generals.

to concur in passing said bill with the following proposal of amendment, to wit, strike out all of s<sup>d</sup>. bill after the enacting clause. Rec<sup>d</sup>. also for revision & an engrossed bill entitled "An act to restore John Steward "to his legal privileges," and amended by striking out all after the enacting clause. Whereupon *Resolved* to concur in passing said bill as amended. *Ordered* that the Secretary inform the House of the concurrence of the Governor & Council in the two last mentioned cases. Adjourned to 2 o'clock P. M.

2 o'clock P. M.—The Governor & Council met agreeably to adjournment. Rec<sup>d</sup>. from the House for concurrence in the reference "An act appointing a collector in the town of Barnard"; and "An act in addition to an act entitled an act regulating the admission of Attornies to practice in the Supreme & County Courts," and "An act in addition to an act entitled an act defining the powers of Justices of the Peace within this State," with an order of reference on each to the Judiciary Committee. Whereupon *Resolved* to concur in said several orders of reference. Rec<sup>d</sup>. also for concurrence in the reference "An act for the relief of Samuel McLain," with an order of reference thereon to the Committee of Ways & Means. Also "An act to repeal an act therein mentioned" with an order of reference to the General Committee. Whereupon *Resolved* to concur in said orders of reference.

Rec<sup>d</sup>. also, the following, "Whereas the multiplication of Banking Incorporations may be carried to such extent as, not only to destroy the usefulness of such institutions to the community, but also jeopardize the investments of stockholders in the same: and whereas there exists, at present, no legal provisions by which such incorporations may be dissolved before the expiration of the period for which they are chartered, and the stock divided among the stockholders, and such institutions be thus liberated from the impositions and requisitions to which by their charter the stock is subjected:—Therefore, resolved, that the Judiciary Committee be instructed to report a bill, with such provisions as the case may require, to enable such incorporations to dissolve the same and secure the rights of community," which was read. Also rec<sup>d</sup>. "Resolved, the Governor & Council concurring herein, that the Committee on Military Affairs be instructed to inquire into the expediency of so altering the 4<sup>th</sup> section of an act passed Nov. 8, 1832, as to give a more definite explanation of that clause in the act exempting those who are equipped for military duty from all taxes other than school district taxes & report by bill or otherwise," also "Resolved, the Governor & Council concurring herein, that the Committee of Insolvency be instructed to report a bill providing for abolishing imprisonment for debt founded on contract, to take effect from & after the 1<sup>st</sup> day of January 1836," which was read; when the following proposal of amendment was offered by Mr. Beardsley, strike out the words "to report a bill," & insert in lieu thereof the following, *to inquire into the expediency of reporting a bill*, which was rejected. Whereupon *Resolved* to concur in passing the three last mentioned resolutions. Adjourned to 9 o'clock tomorrow morning.

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THURSDAY Oct<sup>r</sup> 30, 1834. 9 o'clock A. M.

The Governor & Council met agreeably to adjournment. The House sent up for concurrence in the reference the following, "An act laying a tax on the lands in Glastenbury," with an order of reference thereon to the Land Tax Committee. Also "An act in addition to & amendment of an act entitled 'an act ascertaining the principles on which the list of this State shall be made & directing listers in their office & duty,'" with

an order of reference thereon to the General Committee. Whereupon *Resolved* to concur in said orders of reference. Rec<sup>d</sup>. also "An act for the preservation of fish in Londonderry," with an order of reference thereon to a select committee of two members of the House, to join from Council, Whereupon *Resolved* to concur in said reference & Mr. Birchard appointed to join. Rec<sup>d</sup>. also "An act to incorporate the Bank of Washington County," with an order of recommitment thereon to the Committee on Banks; Whereupon *Resolved* to concur in s<sup>d</sup>. order of recommitment. Also "An act to extend the time allowed by law to rebuild the 2<sup>d</sup>. West River Bridge in Dummerston," with an order of reference to the Committee on Roads & Canals. Whereupon *Resolved* to concur in said order of reference.

The Governor & Council proceeded to the Representatives' room on a Joint resolution of both Houses, after which they returned to their Chamber, and Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—The Governor & Council met agreeably to adjournment. Mr. Cahoon introduced the following, to wit, "An act for the relief of Simon Blanchard," read & referred to the Committee of Ways & Means.

Rec<sup>d</sup>. from the House for concurrence in passing the following resolution, to wit, "Resolved, the Governor & Council concurring herein, that the Auditor of accounts be & he is hereby authorized & directed to audit & allow the claims of Thomas G. French Jr. of Brunswick & Elenzer Whitcomb & Sidney Andrews of Guildhall, all in the County of Essex, for their travel & attendance as witnesses in the case of the contested election of Henry Hall, a representative from s<sup>d</sup>. Guildhall in the General Assembly of this State, & for expenses which have been occasioned to the s<sup>d</sup>. French, Whitcomb & Andrews, by a citation to shew cause why they had not been guilty of contempt & breach of privilege of s<sup>d</sup>. General Assembly, and that the amount allowed by said Auditor be paid by the Treasurer out of any monies in the Treasury not otherwise appropriated," with an order of reference to the Committee of Claims. Whereupon *Resolved* to concur in s<sup>d</sup>. order of reference. Also "*Resolved*, the Governor & Council concurring herein, that the Inspector of Banks, to be appointed at this session of the Legislature, be & he hereby is directed in his annual inspection to visit only those Banks which are not subject to the provisions of the act of 1831 entitled 'An act regulating the chartering of Banks'"—which was read, Whereupon *Resolved* to *non* concur in passing said resolution. *Ordered* that the Secretary inform the House accordingly. Adjourned to 9 o'clock tomorrow morning.

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FRIDAY, Oct<sup>r</sup>. 31, 1834. 9 o'clock A. M.

The Governor & Council met agreeably to adjournment. Mr. Howe introduced the following, to wit, "An act directing the Treasurer to pay Geo. B. Manser the sum therein mentioned"; referred to Committee of Claims.

The House sent up for revision &c an engrossed bill entitled "An act to survey & settle the line between the towns of Pownal & Stamford in the County of Bennington," which was read, Whereupon *Resolved* to *non* concur in passing said bill, & Mr. Howe [appointed] to prepare the reasons therefor.

Rec<sup>d</sup>. also for concurrence in the reference "An act fixing the time when State's Attornies shall enter upon the duties of their office," with an order of reference thereon to the Judiciary Committee, and "An act regulating the taxation of cost & requiring the payment thereof in cer-

tain cases," with an order of reference thereon to the Judiciary Committee. Rec<sup>d</sup>. also "An act directing the Treasurer to pay Cyrus Ware the sum therein mentioned," with an order of reference thereon to the Committee of Claims—Whereupon *Resolved* to concur in said several acts of reference. Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—The Governor & Council met agreeably to adjournment. The House returned the bills entitled "An act for the relief of Simon Blanchard," and "An act directing the Treasurer to pay George B. Manser the sum therein mentioned," not having concurred with the Gov. & Council in the reference.

Rec<sup>d</sup>. from the House for concurrence in the reference "An act for the relief of Simon Blanchard," with an order of reference thereon to the Committee of Ways & Means, and also, "An act directing the Treasurer to pay Geo. B. Manser the sum therein mentioned," with an order of reference thereon to the Committee of Claims—Whereupon *Resolved* to concur in said orders of reference.

Mr. Cobb, who was appointed to prepare reasons for non-concurring in the engrossed bill entitled "An act to survey and settle the line between the towns of Pownal & Stamford in the County of Bennington," presented the following, to wit, "This bill delegates to an individual an authority, in the exercise of which he is not governed by any Laws of this State, nor are his doings under the control or subject to the revision of the Legislature. The bill ought to refer to some known line, or recognize one that has been, before the passing of the act, so that it may be known what line is established by the Legislature," which were approved. *Ordered* that the Secretary inform the House accordingly, & return the bill & the said reasons. Adjourned to 9 o'clock tomorrow morning.

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SATURDAY Nov. 1, 1834. 9 o'clock A. M.

The Governor & Council met agreeably to adjournment. The House sent up for revision & an engrossed bill entitled "An act to incorporate the President, Directors & Company of the Farmers' & Mechanics' Bank," which was once read, and *Ordered* to lie on the table.

Mr. French of Bloomfield, a member of the House of Representatives, appeared in the Council Chamber & informed that the House had non-concurred in the amendment, proposed by the Governor & Council, to the engrossed bill entitled "An act laying a tax on the lands in Bloomfield," and after assigning the reasons of the House for such non-concurrence be withdrew,—and on motion of Mr. Cobb *Resolved* to recede from the proposed amendment to said bill, and it was *Ordered* to lie on the table.

Rec<sup>d</sup>. for concurrence in the reference "An act to extend the limits of the Jail Yards to the lines of the several Counties in which they are situated," with an order of reference thereon to the Judiciary Committee. Whereupon *Resolved* to concur in said order of reference. Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—The Governor & Council met agreeably to adjournment and Adjourned to 9 o'clock Monday morning.

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MONDAY Nov. 3<sup>d</sup> 1834. 9 o'clock A. M.

The Governor & Council met agreeably to adjournment. Rec<sup>d</sup>. a written communication from the Speaker of the House informing that

the House had adopted the amendments proposed to the following bills by the Governor & Council, to wit, "An act to incorporate the Leland Classical & English School at Townshend," "An act laying a tax on the lands in Brownington," and "An act to incorporate Goshen Turnpike Company."

Rec<sup>d</sup>. from the House for concurrence in passing the following resolution, to wit, "*Resolved*, the Governor & Council concurring herein, that both Houses meet in the Representatives' room on Friday next at six o'clock A. M. for the purpose of adjourning the Legislature without day," which was read, and *Ordered* to lie on the table.

Rec<sup>d</sup>. also for revision &c. an engrossed bill entitled "An act to incorporate the Vermont Asylum for the Insane," which was read, Whereupon *Resolved* to concur in passing said bill. *Ordered* that the Secretary inform the House of such concurrence. Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—The Governor & Council met agreeably to adjournment. Adjourned to 9 o'clock tomorrow morning.

#### TUESDAY Nov. 4, 1834. 9 o'clock A. M.

The Governor & Council met agreeably to adjournment. The resolution fixing on a day for the adjournment of the Legislature without day, which had been laid on the table, was called up and read again; Whereupon *Resolved* to concur in passing said resolution. *Ordered* that the Secretary inform the House of such concurrence.

Rec<sup>d</sup>. from the House for concurrence in passing the following resolution, "Resolved, the Governor & Council concurring herein, that the State's Attorney within & for the County of Orleans suspend the collection of the debt due the State of Vermont from James Way of Derby until after the next session of the Legislature, provided such delay, in the opinion of said Attorney, will not be prejudicial to the final collection of the afores<sup>d</sup>. debt," which was read; Whereupon: *Resolved* to concur in passing said resolution. *Ordered* that the Secretary inform the House accordingly.

The House sent up for revision &c. an engrossed bill entitled "An act constituting a new County by the name of La Moille," which was read, and *Ordered* to lie on the table.

Rec<sup>d</sup>. from the House for concurrence in passing the following, "Resolved, the Governor & Council concurring herein, that both Houses meet in the Representatives' room on Tuesday next at 10 o'clock A. M. for the purpose of electing a Major General of the 4<sup>th</sup> Division of the Militia of this State, to supply the vacancy occasioned by the resignation of Major General Stephen Hawkins," which was read, Whereupon: *Resolved* to concur in passing said resolution. *Ordered* that the Secretary inform the House accordingly.

The Governor & Council repaired to the Representatives' room on an adjournment of the joint Committee, after which they returned to their Chamber.<sup>1</sup>

The bill entitled "An act constituting a new County by the name of La Moille," which had been laid on the table, was called up and again read, Whereupon *Resolved* to non-concur in passing said bill, and Mr. Beardsley was appointed to prepare the reasons therefor.

Rec<sup>d</sup>. from the House for revision &c. an engrossed bill entitled "An act laying a tax on the lands in Bloomfield," which was read, Whereupon *Resolved* to concur in passing said bill. Rec<sup>d</sup>. also, for revision &c. an

<sup>1</sup> Stephen Dole was elected Major General.

engrossed bill entitled "An act in addition to an act establishing an Academy in the East Village of Bennington in the County of Bennington," which was read, and amended by adding the following, to wit, "Provided, That all the rights & privileges granted by this act and the act to which this is an addition, shall always be under the control of the Legislature to alter, amend or repeal the same as the public good may require"—Whereupon *Resolved* to concur in passing said bill as amended. Rec<sup>d</sup>. also for revision &c. an engrossed bill entitled "An act making appropriations for the support of government," which was read, Whereupon *Resolved* to concur in passing said bill. Rec<sup>d</sup>. also for revision &c. an engrossed bill entitled "An act assessing a tax for the support of government," which was read, Whereupon *Resolved* to concur in passing said bill. Rec<sup>d</sup>. also for revision &c. an engrossed bill entitled "An act in addition to an act authorizing the building of a State House at Montpelier," which was read, Whereupon *Resolved* to concur in passing said bill. Rec<sup>d</sup>. also for revision &c. an engrossed bill entitled "An act authorizing the Treasurer to borrow the sum therein stated," which was read, Whereupon *Resolved* to concur in passing said bill. Rec<sup>d</sup>. also for revision &c. an engrossed bill entitled "An act appointing a collector in the town of West-Haven," which was read, Whereupon "Resolved to concur in passing said bill.

Rec<sup>d</sup>. also for revision &c. an engrossed bill entitled "An act to encourage the destruction of Bears within this State," which was read, Whereupon *Resolved* to concur in passing this bill. Rec<sup>d</sup>. also for revision &c. an engrossed bill entitled "An act to revive & in alteration of an act laying a tax on the lands in Wolcott, passed Oct<sup>r</sup> 24, 1833," which was read, Whereupon, *Resolved* to concur in passing said bill. Rec<sup>d</sup>. also for revision &c. an engrossed bill entitled "An act directing the Quarter Master General to furnish a Field Piece to the Chelsea Artillery Company," which was read, Whereupon *Resolved* to concur in passing said bill. Rec<sup>d</sup>. also for revision &c. an engrossed bill entitled "An act to incorporate the Randolph Hydraulic Company," which was read, Whereupon *Resolved* to concur in passing said bill. Rec<sup>d</sup>. also for revision &c. an engrossed bill entitled "An act laying a tax on the lands in Canaan," which was read, Whereupon *Resolved* to concur in passing said bill. Rec<sup>d</sup>. also for revision &c. an engrossed bill entitled "An act to repeal an act therein mentioned," which was read, Whereupon *Resolved* to concur in passing said bill. Rec<sup>d</sup>. also for revision &c. an engrossed bill entitled "An act to repeal an act therein mentioned," which was read, Whereupon *Resolved* to concur in passing said bill. Rec<sup>d</sup>. also for revision &c. an engrossed bill entitled "An act annexing a part of the town of Cabot to the town of Danville," which was read, Whereupon *Resolved* to concur in passing said bill. Rec<sup>d</sup>. also for revision &c. an engrossed bill entitled "An act to revive an act laying a tax on the lands in Waterville," which was read, Whereupon *Resolved* to concur in passing said bill. *Ordered* that the Secretary inform the House of the concurrence of the Governor & Council in the sixteen last mentioned cases. Adjourned to 2 o'clock P. M.

2 o'clock P. M.—The Governor & Council met agreeably to adjournment. Mr. Griswold introduced the following, to wit, "An act in addition to an act for the punishment of certain capital & other high crimes & misdemeanors," which was referred to the Judiciary Committee.

Rec<sup>d</sup>. from the House for concurrence in passing the following resolution, to wit, "Resolved, The Governor & Council concurring herein, that both Houses meet in joint Committee in the Representatives' room on Thursday next at  $\frac{1}{2}$  past 10 o'clock A. M. for the purpose of electing a Brigadier General of the 2<sup>d</sup>. Brigade & 4<sup>th</sup> Division of the Militia of this



State to fill the vacancy occasioned by the promotion of General Stephen Dole": which was read, Whereupon *Resolved* to concur in passing said resolution. *Ordered* that the Secretary inform the House of such concurrence.

*Recd.* also the following resolution, "Resolved, the Governor & Council concurring herein, that the several Town Clerks in this State be requested to forward to the Secretary of State, on or before the sixth day of the next session of the Legislature, a list of all insane persons in their respective towns, with their names, age, sex, cause & duration of their insanity, whether confined or not, together with a memorandum in reference to their own pecuniary ability, & that of others liable for their support & maintenance, and also such other information as may be deemed useful to promote the objects of the Legislature as herein indicated, & that the Secretary of State be & he hereby is directed to cause to be printed 250 copies of this resolution and transmit one copy thereof to each of said town Clerks as soon as may be," read & Thereupon *Resolved* to concur in passing said resolution. *Ordered* that the Secretary inform the House accordingly.

*Recd.* also, for concurrence in the reference "An act relating to advertisements," with an order of reference thereon to the Land Tax Committee, Whereupon *Resolved* to concur in said order of reference.

Mr. Beardsley, who was appointed to report reasons for non[con]curring in the passage of the bill entitled "An act constituting a new County by the name of La Moille," presented the following, to wit, [which were adopted:]

1<sup>st</sup>. That the Counties of Franklin, Orleans, Chittenden & Washington, out of which it is proposed to carve the said County of La Moille, are already considerably smaller than several Counties in the State with a much more numerous population, and that the inconveniences complained of by the people of the proposed new County, at least that portion of them proposed to be taken from Franklin County, may be chiefly remedied by a proper location of the shires.

2<sup>nd</sup>. The erection of the proposed new County will subject the Treasury of the State to annual drafts of a very considerable amount for the support of s<sup>d</sup>. County without any corresponding benefit to most of the towns to be included in the project.

3<sup>d</sup>. That three of the towns to be included in the said New County have remonstrated against the project: and although the Governor & Council fully recognize the existence of the *power*, they cannot recognize the moral right to interfere & break up the old organization & connexion of s<sup>d</sup>. towns with their respective Counties, against their expressed will: except in a strong case of necessity, which the Gov. & Council do not find to exist in this case.

4<sup>th</sup>. That the principal ground, on which the claim for s<sup>d</sup>. new County is placed, is the distance of some of s<sup>d</sup>. towns from their respective shires. The Governor & Council do not recognize this as furnishing a sufficient reason for the dismemberment of the four Counties, out of which the proposed new County is to be formed.

5<sup>th</sup>. The Governor & Council have very strong apprehensions that the success of this measure would tend to unsettle & break up established County lines in different parts of the State; and a dismemberment of several of the Counties would be the result.

6<sup>th</sup>. That the organization of said County would have a tendency to promote litigation in the territory proposed to be erected into the new County. Experience has shown that when litigation is cheap the number of law suits will be increased; and people are often induced from this very cause to engage in Lawsuits ruinous in their consequences.

H. R. BEARDSLEY for Gov. & Council.

*Ordered* that the Secretary return said bill & reasons, & inform the House accordingly.

*Recd.* also for revision & an engrossed bill entitled "An act incorporating the President, Directors & Company of the Farmers & Mechanics' Bank," which was read, and the question "Will the Gov. & Council concur in passing said bill?" was determined in the affirmative. Yeas 8. Nays 5. Those in the affirmative were Messrs. Birchard, Beardsley, Cahoon, Green, Griswold, Jenison, Sherman & Wardner. Those in the negative were The L<sup>t</sup> Governor, Messrs. Cobb, Howe, Jones & Robinson. *Ordered* that the Secretary inform the House of such concurrence. Adjourned to 9 o'clock tomorrow morning.

WEDNESDAY, Nov. 5, 1834. 9 o'clock A. M.

The Governor & Council met agreeably to adjournment. *Recd.* from the House for revision & an engrossed bill entitled "An act laying a tax on the lands in Glastenbury," which was read, Whereupon *Resolved* to concur in passing said bill. *Ordered* that the Secretary inform the House of such concurrence.

On motion *Resolved* to reconsider the vote dismissing the petition of Stephen Prentiss, a State prison convict, and the question "Shall the said Stephen Prentiss be discharged from imprisonment, on condition that he leave the State within thirty days?" having been put was determined in the affirmative. Yeas 12. Nays 0. Those who voted in the affirmative were The L<sup>t</sup> Governor, Messrs. Beardsley, Cahoon, Cobb, Green, Griswold, Howe, Jones, Jenison, Robinson, Sherman & Wardner.

*Recd.* from the House for revision & an engrossed bill entitled "An act directing the Treasurer to pay the Board of Commissioners for the benefit of the Deaf & Dumb the sum therein mentioned," which was read; Whereupon *Resolved* to concur in passing said bill. *Ordered* that the Secretary inform the House thereof.

*Recd.* also for revision & an engrossed bill entitled "An act to incorporate certain persons therein named by the name of the Vermont Farming Company," which was read, Whereupon *Resolved* to non-concur in passing said bill, & Mr. Sherman [was appointed] to prepare reasons of Governor & Council therefor. Adjourned to 2 o'clock P. M.

2 o'clock P. M.—The Governor & Council met agreeably to adjournment. *Recd.* from the House for revision & an engrossed bill entitled "An act in addition to an act entitled an act to provide for the support of common schools," which was read, Whereupon *Resolved* to non-concur in passing said bill, & Mr. Jenison appointed to prepare the reasons therefor.

*Recd.* also the following, "Resolved, the Governor & Council concurring herein, that it shall be the duty of the Inspector of Banks, in addition to the facts heretofore reported, to ascertain & report the names of the several stockholders of each Bank, the amount of stock held by each, and the amount each stockholder may be indebted to the several Banks," which was read, Whereupon *Resolved* to non-concur in passing said resolution. *Ordered* that the Secretary inform the House accordingly.

*Recd.* also for revision & an engrossed bill entitled "An act directing the Treasurer to pay Isaac F. Redfield & others the sum therein mentioned," which was read; Whereupon *Resolved* to concur in passing said bill. *Recd.* also for revision & an engrossed bill entitled "An act in addition to an act entitled an act for the punishment of certain inferior crimes & misdemeanors," which was read, Whereupon *Resolved* to con-

cur in passing said bill. *Ordered* that the Secretary inform the House of such concurrence.

On motion of Mr. Howe, *Resolved* to reconsider the vote concurring in the passage of the engrossed bill entitled "An act directing the Treasurer to pay Isaac F. Redfield & others the sums therein mentioned," and the same was *Ordered* to lie on the table.

*Recd.* also for revision &c. an engrossed bill entitled "An act directing the Treasurer to pay Peter Gratton the sum therein mentioned," which was read, Whereupon *Resolved* to concur in passing said bill. *Ordered* that the Secretary inform the House of such concurrence.

*Recd.* from the House for revision &c. an engrossed bill entitled "An act to incorporate certain persons therein named by the name of the St. Albans Dock Company," which was read, Whereupon *Resolved* to concur in passing said bill. *Recd.* also for revision &c. an engrossed bill entitled "An act directing the Treasurer to pay Simeon A. Durfee the sum therein mentioned," which was read, Whereupon *Resolved* to concur in passing said bill. *Recd.* also for revision &c. an engrossed bill entitled "An act directing the Treasurer of this State to pay Moses Morrill & William Morrill the sum therein mentioned," which was read, Whereupon *Resolved* to concur in passing said bill. *Recd.* also for revision &c. an engrossed bill entitled "An act fixing the time when State's Attorneys shall enter upon the duties of their office," which was read, Whereupon *Resolved* to concur in passing said bill. *Recd.* also for revision &c. an engrossed bill entitled "An act for the relief of Simon Blanchard Jr.," which was read, Whereupon *Resolved* to concur in passing said bill. *Recd.* also for revision &c. an engrossed bill entitled "An act directing the Treasurer to pay Daniel P. Thompson the sum therein mentioned," which was read, Whereupon *Resolved* to concur in passing said bill. *Recd.* also for revision &c. an engrossed bill entitled "An act directing the Treasurer to pay Cyrus Ware the sum therein mentioned," which was read, Whereupon *Resolved* to concur in passing said bill. *Recd.* also for revision &c. an engrossed bill entitled "An act directing the Treasurer to pay Geo. B. Manser the sum therein mentioned," which was read, Whereupon *Resolved* to concur in passing said bill. *Ordered* that the Secretary inform the House of the concurrence of the Governor & Council in the eight last mentioned cases.

*Recd.* from the House for revision &c. an engrossed bill entitled "An act in addition to and in alteration of an act entitled an act ascertaining the principles on which the list of this State shall be made & directing listers in their office & duty," which was read, & the question "Will the Governor & Council concur in passing said bill?" having been put, it was determined in the affirmative. Yeas 7. Nays 6. Those who voted in the affirmative were: [Yeas and nays not recorded.]

*Resolved* that when the Governor & Council adjourn, they adjourn to 7 o'clock this evening. Adjourned.

7 O'CLOCK P. M.—The Governor & Council met agreeably to adjournment. The House sent up for revision &c. an engrossed bill entitled "An act for the relief of the town of Athens," which was read, Whereupon *Resolved* to concur in passing said bill with the following proposal of amendment, to wit, Strike out the word "instant" in the 4<sup>th</sup> line, and insert in lieu thereof the words *one thousand eight hundred and thirty-four*. *Ordered* that the Secretary inform the House thereof.

*Recd.* also for revision &c. an engrossed bill entitled "An act empowering a Committee therein mentioned to alter a certain Highway," which was amended by striking out the words "Parker's Valley," & inserting

in lieu thereof the words *Parks' Village*, Whereupon *Resolved* to concur in passing said bill as amended. *Ordered* that the Secretary inform the House thereof.

*Recd.* also for revision &c. an engrossed bill entitled "an act constituting a new County by the name of La Moille," which was read, & the following proposal of amendment offered, to wit, "Strike out the whole of the first Section of the Bill"—and the question "Will the Governor & Council adopt the proposed amendment?" having been put was determined in the affirmative. Yeas 8. Nays 4. Those who voted in the affirmative were, The Lt Governor, Messrs. Beardsley, Birchard, Cobb, Griswold, Howe, Jones & Jenison. Those in the negative were Messrs. Cahoon, Green, Robinson & Wardner. *Resolved* to concur in passing said bill as amended. *Ordered* that the Secretary inform the House thereof.

*Recd.* also for revision &c. an engrossed bill entitled "An act to tax Bank Stock not owned by residents in this State"—which was read, Whereupon, *Resolved* to concur in passing said bill. *Ordered* that the Secretary inform the House of such concurrence.

The engrossed bill entitled "An act directing the Treasurer to pay Isaac F. Redfield & others the sums therein stated," which was laid on the table, was called up & amended by inserting immediately after the word "dollars" in the 7<sup>th</sup> line the words *and to Jasper Robinson of Brownington the sum of five dollars*. Whereupon *Resolved* to concur in passing said bill as amended.

*Recd.* also for revision &c. an engrossed bill entitled "An act in addition to the act regulating town meetings and the choice & duty of town officers," which was read and amended by striking out all of the first section after the word "officially" in the 7<sup>th</sup> line, & by adding to the 2<sup>d</sup> section the words *and it shall be the duty of said Town Clerk to enter on such copy the true time of the day when received*—Whereupon *Resolved* to concur in passing said bill as amended. *Ordered* that the Secretary inform the House of the concurrence & amendments in the two last cases.

*Recd.* also for revision &c. an engrossed bill entitled "An act incorporating the Ludlow Manufacturing Company," which was read, Whereupon *Resolved* to concur in passing said bill. *Recd.* also for revision &c. an engrossed bill entitled "An act to preserve the Pickerel in Lake Memphremagog," which was read, Whereupon *Resolved* to concur in passing said bill. *Recd.* also for revision &c. an engrossed bill entitled "An act to incorporate the Putney Manufacturing Company," which was read, Whereupon *Resolved* to concur in passing said bill. *Ordered* that the Secretary inform the House of the concurrence in the three last mentioned cases.

*Recd.* from the House for revision &c. an engrossed bill entitled "An act to incorporate certain persons therein named by the name of the Otter Creek Glass Company," which was read, Whereupon *Resolved* to concur in passing said bill. *Recd.* also for revision &c. an engrossed bill entitled "An act incorporating the Third Bellows Falls Aqueduct Company," which was read, Whereupon *Resolved* to concur in passing said bill. *Recd.* also for revision &c. an engrossed bill entitled "An act laying a tax on the lands in Goshen Gore and Harris' Gore, which was read, Whereupon *Resolved* to concur in passing said bill. *Recd.* also for revision &c. an engrossed bill entitled "An act to incorporate certain persons therein named by the name of the Pittsford Glass Manufacturing Company," which was read, Whereupon *Resolved* to concur in passing said bill. *Ordered* that the Secretary inform the House of the

concurrence of the Governor & Council in the [passage of] four last mentioned cases.

The House returned the engrossed bill, entitled "An act constituting a new County by the name of La Moille," and informed the Governor & Council through Mr. [Joshua] Sawyer, one of its members, that the House had not concurred with the Governor & Council in the amendment proposed by them to said bill, and assigned the reasons of the House therefor—after which he withdrew.<sup>1</sup> Adjourned to 9 o'clock to-morrow morning.

THURSDAY Nov. 6, 1834.

The Governor & Council met agreeably to adjournment.

Mr. Sherman, who had been appointed to prepare the reasons for non concurring in the bill entitled "An act to incorporate certain persons therein named by the name of the Vermont Farming Company," presented the following, to wit, "The Governor & Council do not consider it politic to increase the number of incorporations empowered to hold large amounts of real estate, except in cases furnishing evidence that some beneficial object will be attained thereby: that in their opinion the present bill furnishes no such evidence; inasmuch as the different branches of business to be prosecuted by the proposed corporation are such as may, usually, be prosecuted with success by individuals in their natural capacity tho' possessing but small capital," which were approved. *Ordered* that the Secretary return s<sup>d</sup>. bill & the reasons afores<sup>d</sup>.

Rec<sup>d</sup>. from the House for concurrence in passing the following resolution, "Resolved, the Governor & Council concurring herein, that both Houses meet in the Representatives' room on Thursday next at 10 o'clock A. M. for the purpose of electing five persons whose duty it shall be to prepare & present to the Legislature at its next session a bill

<sup>1</sup>In the Council Journal the name of the present Lamoille County is frequently written *La Moille*, indicating correctly its French origin. In a map of Lake Champlain in *Charlevoix*, Vol. 1, p. 226, *La Mouelle* is the earliest name applied to the present Winooski river; and in a map published at New Haven, Conn., about 1778, which was "drawn from the latest and most accurate observations," the following names are given to the Winooski, to wit: *La Moelle*, French R. or Wenusoo R., also *Ouniain*. The inference seems to be that the present name of Lamoille river was appropriated from the present Winooski; but in Maj. Holland's [English] survey, printed in 1776, the name *a La Moelle* is applied to the present Lamoille river, and *Ouinouschik* to the Winooski. JOSHUA SAWYER is justly styled the father of Lamoille County. Born in Haverhill, Mass., July 23, 1789, he was admitted to the bar of Chittenden County in 1809, and commenced practice at Hydepark in 1810, continuing in it until his death March 16, 1869. When in full vigor he had a very extensive and successful practice in Northern Vermont, and was the associate and recognized as the peer of some of the ablest lawyers. In many respects he resembled strongly the late Gov. John Mattocks—in his wit, ready resources, and peculiar style of speech—and like him he was popular at the bar and in the legislature.—*Vermont Historical Magazine*, Vol. II, p. 659.

which shall, in their opinion, provide for a just & equitable mode of making up the Grand List & assessing taxes in this State," which was read and amended by striking out after the word "that" in the 2<sup>d</sup> line the words "both Houses meet in the Representatives' room on Thursday next at 10 o'clock A. M. for the purpose of electing" & inserting in lieu thereof the words "*the Governor with the Speaker of the House of Representatives be authorized to appoint*"—Whereupon *Resolved* to concur in passing said resolution as amended. *Ordered* that the Secretary inform the House accordingly.

Rec<sup>d</sup> also for revision &c. an engrossed bill entitled "An act incorporating & establishing The Norwich University at Norwich in Windsor County," which was read & amended by striking out the words "a majority of" from the seventh line of the fourth section; & by striking out the whole of the latter part of the 4<sup>th</sup> section after the word "discretion" in the 20<sup>th</sup> line of said section. Whereupon *Resolved* to concur in passing said section [bill] as amended. *Ordered* that the Secretary inform the House accordingly.

Rec<sup>d</sup> a written communication from the Speaker of the House of Representatives informing that the House had concurred in the amendments proposed by the Governor & Council to the resolution for the Governor & Speaker to appoint five persons to prepare & present a mode for making up the Grand List of this State &c. Also, in the amendments proposed to the following bills, "An act to repeal an act therein mentioned" and "An act regulating the price of board of persons confined in Jail."

Rec<sup>d</sup> from the House for revision &c. an engrossed bill entitled "An act in addition to an act constituting the Supreme Court of Judicature, & County Courts, defining their powers and regulating judicial proceedings, passed Oct<sup>r</sup> 30, 1828," which was read, Whereupon *Resolved* to concur. Also "An act in addition to an act constituting Probate Courts & defining their powers, & regulating the settlement of testate & intestate estates & the guardianship of minors and insane persons"—which was read, Whereupon *Resolved* to concur in passing said bill. *Ordered* that the Secretary inform the House of the concurrence of the Governor & Council in the two last mentioned cases.

Rec<sup>d</sup> also for concurrence in passing the following resolution, to wit, "Resolved, the Governor & Council concurring herein, that Daniel P. Thompson Esq., be requested to compile the public acts of the present session & add them to the Volume compiled by him, & that the Secretary of State be directed to collate & compare the same with the original acts recorded in his office, affix his official signature thereto, & procure three thousand copies of the same to be printed & bound & delivered at the State House, at the expense of the State," which was read, Whereupon *Resolved* to concur in passing said resolution. *Ordered* that the Secretary inform the House thereof.

The Governor & Council proceeded to the Representatives' room on a joint resolution, after which they returned to their Chamber.<sup>1</sup>

Rec<sup>d</sup> from the House for concurrence in passing the following resolution, "Resolved, the Governor & Council concurring herein, that the Governor be authorized & requested to appoint three persons to revize the Militia Laws of this State & prepare a bill, which may contain all the provisions necessary for regulating & governing the Militia of this State, with such improvements in the existing system as may be deemed necessary, and report the same to the next session of the Legislature," which was read, Whereupon *Resolved* to concur in passing said resolution. *Ordered* that the Secretary inform the House thereof.

<sup>1</sup> Epaphras B. Chase was elected Brigadier General.

Rec<sup>d</sup>. also for revision &c. an engrossed bill entitled "An act extending the time allowed by law to rebuild the second West River Bridge in Dummerston," which was read, Whereupon *Resolved* to concur in passing said bill. Also for revision &c. an engrossed bill entitled "An act to incorporate the North Bennington Fire Company," which was read, Whereupon *Resolved* to concur in passing said bill. Also for revision &c. an engrossed bill entitled "An act in addition to an act entitled an act for the purpose of regulating suits respecting landed property, & directing the mode of proceeding therein, passed Nov. 4, 1820," which was read, Whereupon *Resolved* to concur in passing said bill. *Ordered* that the Secretary inform the House of the concurrence of the Governor & Council in the three last mentioned cases.

Rec<sup>d</sup>. also for revision &c. an engrossed bill entitled "An act in addition to & amendment of an act to encourage the destruction of Foxes within this State, which was read, and the following proposal of amendment offered, to wit, add the following words to said bill, "and if any such fox be killed in an unorganized town, by a person residing in such town, application may be made to the town clerk of the next adjoining organized town for such certificate." Whereupon *Resolved* to concur in passing said bill as amended. *Ordered* that the Secretary inform the House accordingly.

On motion of Mr. Griswold, the vote dismissing the petition of John Aitken, a convict in the State prison, was reconsidered, & the question "Shall the said John Aitken be discharged from imprisonment?" having been put, was determined in the affirmative. Yeas 9, Nays 2. Those who voted in the affirmative were, The L<sup>t</sup> Governor, Messrs. Beardsley, Cahoon, Cobb, Griswold, Janes, Robinson, Sherman & Wardner; those who voted in the negative were Messrs. Howe & Jenison.

Mr. Jenison, who was appointed to report reasons for non concurring in the engrossed bill entitled "An act in addition to an act entitled An act to provide for the support of common schools," presented the following, to wit, "1<sup>st</sup>. That in the opinion of the Governor & Council the provisions of the bill would have a tendency to lower the standard of education in our common schools & lead to the employment of incompetent teachers in districts affected by the law. 2<sup>d</sup>. That it would lessen the patronage & support which our academies & select schools now receive." Which were approved, and *Ordered* that the Secretary return s<sup>d</sup>. bill & the aforesaid reasons to the House. Adjourned to 2 o'clock P. M.

2 o'clock P. M.—The Governor & Council met agreeably to adjournment. His Excellency, in connexion with the Speaker of the House, appointed, on the resolution requesting them to appoint five persons to prepare a form &c. for the Grand List &c. the following gentlemen, to wit, Hon. Silas H. Jenison, Hon. Allen Wardner, John Van Sicklin Jr. Geo. T. Hodges & Lucius B. Peck Esquires.

Rec<sup>d</sup>. from the House for revision &c. an engrossed bill entitled "An act to repeal an act therein mentioned," which was read, and the following proposal of amendment offered, Add the following, "Provided that said act shall be & remain in force so far as relates to any license hitherto granted, & to all prosecutions now pending, or which may be commenced under said act, & to all penalties which have already, or may hereafter accrue under the same," [which was adopted.] Whereupon *Resolved* to concur in passing said bill as amended. *Ordered* that the Secretary inform the House accordingly.

Rec<sup>d</sup>. also for revision &c. an engrossed bill entitled "An act making further provision for opening highways & repairing & building bridges," which was read, Whereupon *Resolved* to concur in passing said bill. Also rec<sup>d</sup>. for revision &c. an engrossed bill entitled "An act in addition

to an act entitled an act constituting a Court of Chancery," which was read, Whereupon *Resolved* to concur in passing said bill. Rec<sup>d</sup> also for revision &c. an engrossed bill entitled "An act for the relief of Samuel McLain," which was read, Whereupon *Resolved* to concur in passing said bill. *Ordered* that the Secretary inform the House of the concurrence of the Governor & Council in the three last mentioned cases.

Rec<sup>d</sup> also for revision &c. an engrossed bill entitled "An act relating to Bills of Exchange & Promissory notes," which was read, Whereupon *Resolved* to non concur in passing said bill & Mr. Jenison [Janes] appointed to prepare reasons therefor. Rec<sup>d</sup> also for revision &c. an engrossed bill entitled "An act regulating the price of board of persons confined in Jails," which was read, and the following proposal of amendment offered, to wit, "add to the 2<sup>d</sup>. line the word *any* after the word "Jail"; at the beginning of the 3<sup>d</sup>. line insert the words, *in this State*, and erase 3<sup>d</sup>. & 4<sup>th</sup> lines the words *who has no legal place of settlement in this State, and being poor or unable to support himself or herself*"; and immediately after the word "from" at the beginning of the 6<sup>th</sup> line insert the words, *such prison without his consent or in any case from.*" Whereupon *Resolved* to concur in passing said bill as amended. *Ordered* that the Secretary inform the House accordingly.

Rec<sup>d</sup> also for revision &c. an engrossed bill entitled "An act for the relief of Richard H. Little," which was read, Whereupon *Resolved* to non-concur, & Mr. Jenison to prepare the reasons therefor.

Rec<sup>d</sup> also for revision &c. an engrossed bill entitled "An act for the preservation of fish in Warner's pond in Londonderry," which was read, Whereupon *Resolved* to concur in passing said bill. *Ordered* that the Secretary inform the House of such concurrence.

Mr. Janes, who was [appointed] to prepare reasons for non-concurring in the bill entitled "An act relating to Bills of Exchange & Promissory notes," presented the following, to wit, "That it makes a discrimination embarrassing in the negotiation of such paper & may be attended with great injustice to the holders of the same," which were approved. *Ordered* that the Secretary return s<sup>d</sup>. bill & the reasons to the House.

Rec<sup>d</sup> from the House for revision &c. an engrossed bill entitled "An act to provide for reporting the decisions of the Supreme Court," which was read, Whereupon *Resolved* to non-concur in passing said bill & Mr. Howe to prepare reasons.

Rec<sup>d</sup> also for concurrence in passing the following resolution, *Resolved*, the Governor & Council concurring herein, that it is the sense of this Legislature that the practice of granting Land Taxes for making & repairing roads & building bridges, in our new & feeble towns, has become the settled practice of this State, & that as such the grants for such taxes, together with sales, proceedings & records under them, should have a liberal construction in our Courts of Justice," which was read, Whereupon *Resolved* to non-concur in passing said resolution. *Ordered* that the Secretary inform the House thereof. Also, "Resolved, the Governor & Council concurring herein, that the State's Attorney for the County of Franklin suspend the collection of the debt due the State from Phineas Stearnes, John Stearnes, Henry Stearnes & E. P. Stearnes, on their promissory notes, until after the next session of the General Assembly, provided such delay will not in the opinion of s<sup>d</sup>. State's Attorney prejudice the final collection of said debt," which was read, Whereupon *Resolved* to non-concur in passing said resolution. *Ordered* that the Secretary inform the House of such non-concurrence.

Mr. Howe, who was appointed to prepare the reasons for non concurring in the engrossed bill entitled "An act to provide for reporting the decisions of the Supreme Court," presented the following, to wit, "That



the Governor & Council do not consider the provisions of said bill as making any improvement in the system of procuring to be reported the decisions of said Court, but on the contrary to enhance the expenses thereof," which were approved, and *Ordered* that the Secretary return the bill & reasons to the House.

Rec<sup>d</sup>. also the engrossed bill for revision &c. entitled "An act annexing the town of Woodbury to the County of Washington," which was read, Whereupon *Resolved* to non concur in passing said bill & Mr. Howe to prepare reasons therefor.

Rec<sup>d</sup>. also for revision &c. an engrossed bill entitled "An act exempting Females from imprisonment for debt," which was read, Whereupon *Resolved* to concur in passing said bill. *Ordered* that the Secretary inform the House of such concurrence.

*Resolved* that when the Governor & Council adjourn they adjourn to 7 o'clock this evening.

7 O'CLOCK P. M.—The Governor & Council met agreeably to adjournment. Mr. Jenison, who had been appointed to prepare the reasons of the Governor & Council for non concurring in the passage of the engrossed bill entitled "An act for the relief of Richard H. Little," presented the following, to wit, "That in this case it appeared that there had been had a hearing in the Court & the bond chancered, on a full hearing, to what the Court considered reasonable," which was approved and *Ordered* that the Secretary return said bill & the reasons to the House.

Mr. Howe, who had been appointed to prepare reasons for non[con]-curring in the engrossed bill entitled "An act annexing the town of Woodbury to the County of Washington," presented the following, "That the Governor & Council are not in possession of a statement of facts which would either render it expedient or justifiable to pass said bill," which were approved, and *Ordered* that the Secretary return s<sup>d</sup>. bill & the reasons afores<sup>d</sup>. to the House.

Rec<sup>d</sup>. a written communication from the Speaker of the House of Representatives, informing that the House had concurred in the amendments proposed by the Governor & Council to the engrossed bills of the following titles, "An act in addition to & amendment of an act entitled an act to encourage the destruction of foxes in this State," and "An act incorporating & establishing the Norwich University at Norwich," "An act directing the Treasurer to pay Isaac F. Redfield & others the sum therein mentioned," and "An act in addition to an act regulating town meetings & the choice & duty of town officers," and "An act empowering a Committee therein mentioned to alter a certain highway," and "An act for the relief of the town of Athens."

Rec<sup>d</sup>. from the House for revision &c. an engrossed bill entitled "An act for the relief of the town of Rockingham," which was read, Whereupon *Resolved* not to concur in passing said bill, [and] Mr. Birchard to prepare reasons.

Rec<sup>d</sup>. also for revision &c. an engrossed bill entitled "An act incorporating the Woodstock Manufacturing Company," which was read, Whereupon *Resolved* to concur in passing said bill. *Ordered* that the Secretary inform the House of such concurrence.

The Governor & Council appointed Heman Carpenter Librarian for the year ensuing.

Rec<sup>d</sup>. from the House for revision &c. an engrossed bill entitled "An act altering the name of Kingston" [to Granville,] which was read, Whereupon *Resolved* to concur in passing said bill. *Ordered* that the Secretary inform the House accordingly.

The engrossed bill, having been returned from the House for concurrence &c. entitled "An act constituting a new County by the name of La Moile," was taken up and the question "Will the Governor & Council suspend the passage of said bill until the next session of the Legislature?" having been put, was determined in the affirmative. Yeas 9. Nays 3. Those who voted in the affirmative were The Lt. Governor, Messrs. Beardsley, Birchard, Cobb, Griswold, Howe, Janes, Jenison & Sherman. Nays, Messrs. Cahoon, Robinson & Wardner. *Ordered* that the Secretary inform the House accordingly.

Rec<sup>d</sup>. from the House for revision &c. an engrossed bill entitled "An act in addition to an act for the punishment of certain capital & other high crimes & misdemeanors," which was read, Whereupon *Resolved* to concur in passing said bill. *Ordered* that the Sec. inform the House &c.

Mr. Birchard, who was appointed to prepare the reasons for non-concurring in the act entitled "An act for the relief of the town of Rockingham," presented the following, to wit, "The Governor & Council as a general rule deem it inexpedient for the Legislature to interfere in cases of this kind, as the Courts have full power over the subject. They are also of opinion that the public interest requires that the greatest part of the road included in the bill should be made within the time prescribed by the order of the Court directing the road to be opened," which were approved, & *Ordered* that the Secretary return said bill & the reasons aforesaid to the House.

Rec<sup>d</sup>. also for revision &c. an engrossed bill entitled "An act in relation to contested elections," which was read, Whereupon *Resolved* to concur in passing said bill.

Rec<sup>d</sup>. for revision &c. an engrossed bill entitled "An act to amend & reduce into one act several acts relating to the Corporation of the City Vergennes," which was read, Whereupon *Resolved* to non-concur in passing said bill & Mr. Jenison appointed to assign the reasons of the Governor & Council therefor to the House of Representatives.

Rec<sup>d</sup>. also for revision &c. an engrossed bill entitled "An act in addition to an act reducing into one the several acts for laying out, making, repairing, & clearing highways," which was read, Whereupon *Resolved* to concur in passing said bill. *Ordered* that the Secretary inform the House of such concurrence. Rec<sup>d</sup>. also for revision &c. an engrossed bill entitled "An act directing the Treasurer to pay the town of Sutton the sum therein mentioned," which was read, Whereupon *Resolved* to non-concur in passing said bill, & Mr. Janes appointed to prepare reasons, who forthwith presented the following, to wit, "The Governor & Council consider it an illegal claim upon the treasury of the State," which were approved, & *Ordered* that the Secretary return s<sup>d</sup> bill & the reasons to the House.

The House having refused to comply with the non-concurrence of Governor & Council in passing the bill entitled "An act annexing the town of Woodbury to the County of Washington," returned the same to the Governor & Council for their concurrence, amendment &c. when the following amendment was proposed, to wit, Strike out of the 4<sup>th</sup> line the words "passing of this act," & insert in lieu thereof the words "*the first day of January in the year of our Lord 1860,*" Whereupon *Resolved* to concur in passing said bill as amended. *Ordered* that the Secretary inform the House thereof.

Rec<sup>d</sup>. also for revision &c. an engrossed bill entitled "An act relating to the reports of the Supreme Court," which was read, Whereupon *Resolved* to concur in passing said bill. Also for revision &c. an engrossed bill entitled "An act altering the name of Aaron Aldrich," which was read, Whereupon *Resolved* to concur in passing said bill. Rec<sup>d</sup>. also for

revision &c. an engrossed bill entitled "An act in addition to an act entitled an act establishing permanent salaries for certain officers & regulating certain fees & taxable costs, passed Nov. 5, 1821," which was read, Whereupon *Resolved* to concur in passing said bill. *Ordered* that the Secretary inform the House in the three last mentioned cases.

Rec<sup>d</sup>. from the House for concurrence in passing the following Report, "The Committee of Ways & Means, to whom was referred those parts of the Governor's message relating to the finances, and to the Bank of the United States, having had the same under consideration, respectfully submit the following Report, That suitable protection to domestic industry & enterprise, & the furtherance of internal improvements of a national character, are essential to the defense & independence of the Country, the prosperity of its agricultural, manufacturing & commercial pursuits, & the advancement of its general interests & welfare. That a national Bank, with powers properly limited and restricted, is essential, if not indispensable, as a fiscal agent as well as necessary to sustain & preserve a sound & uniform currency, & give the requisite facilities to trade, commerce & manufactures. That an equitable distribution among the several States of the monies arising from the sale of public lands, for the purposes of education & internal improvement, comports alike with sound policy & the principles of Justice. That the maintenance of the just powers of each department of the Government as conferred & defined by the Constitution is essential to the preservation of public liberty & the perpetuity of our free institutions. And that the executive of the United States, in his late removal of the public monies from the place of custody established by law, exercised a power not given to him by the constitution or laws, but in derogation of both; & in his late protest to the Senate of the United States, has asserted doctrines and claimed for himself powers at variance with the letter & spirit of the constitution, subversive of the legitimate authority of the other branches of the government, & dangerous to the liberties of the people. Your Committee therefore beg leave to offer the following resolution :

"Resolved, the Governor & Council concurring herein, that our Senators in Congress be instructed, & our representatives requested, by their influence & votes to sustain the principles & policy herein asserted, & especially to maintain inviolate the authority of the legislative department of the Government, & resist all encroachments upon its constitutional powers," and the question "Will the Governor & Council concur with the House in the passage of said resolution?" having been put was determined in the affirmative. Yeas 13. Nays 0. Those who voted in the affirmative were The Lt Governor, Messrs. Beardsley, Birchard, Cahoon, Cobb, Green, Griswold, Howe, Janes, Jenison, Robinson, Sherman & Wardner.

Rec<sup>d</sup>. from the House for revision &c. an engrossed bill entitled "An act in addition to an act entitled an act for the inspection of Beef, Pork, Flour & Kilo-dried Meal," which was read, Whereupon *Resolved* to concur in passing said bill. Rec<sup>d</sup>. also for revision &c. an engrossed bill entitled "An act in addition to an act entitled an act for regulating & governing the Militia of this State," which was read, Whereupon *Resolved* to concur in passing said bill. Rec<sup>d</sup>. also for revision &c. an engrossed bill entitled "An act directing the Treasurer to pay Eleazer Whitcomb, Sidney Andrews & Thomas G. French the sums therein mentioned," which was read, Whereupon *Resolved* to concur in passing said bill. Rec<sup>d</sup>. also for revision &c. an engrossed bill entitled "An act to preserve the Fish in Berlin Pond"; read, Whereupon *Resolved* to concur in passing said bill. Rec<sup>d</sup>. also for revision &c. an engrossed bill entitled "An act in addition to & alteration of an act entitled an act in addition to an

act entitled an act ascertaining the principles on which the list of this State shall be made up & directing lists in their office & duty," which was read, Whereupon *Resolved* to concur in passing this bill. Rec<sup>d</sup>. also for revision &c. an engrossed bill entitled "An act in addition to an act entitled an act regulating town meetings & the choice & duty of town officers," which was read, Whereupon *Resolved* to concur in passing said bill. Rec<sup>d</sup>. also for revision &c. an engrossed bill entitled "An act directing the mode of ascertaining the mileage of the members of the General Assembly," which was read, Whereupon *Resolved* to concur in passing said bill. Rec<sup>d</sup>. also for revision &c. an engrossed bill entitled "An act to revive an act incorporating the Village of Montpelier," which was read, Whereupon *Resolved* to concur in passing s<sup>d</sup>. bill. Rec<sup>d</sup>. also for revision &c. an engrossed bill entitled "An act to incorporate the Montpelier Manufacturing Company," which was read, Whereupon *Resolved* to concur in passing said bill. Rec<sup>d</sup>. also for revision &c. an engrossed bill entitled "An act to incorporate the Bennington Cotton Company," which was read, Whereupon *Resolved* to concur in passing said bill. *Ordered* that the Secretary inform the House of the concurrence of the Governor & Council in the ten last mentioned cases.

Rec<sup>d</sup>. also for revision &c. an engrossed bill entitled "An act in addition to an act entitled an act directing the mode of taking the forfeiture of grants & Charters," which was read, Whereupon *Resolved* to non concur in passing said bill, & Mr. Janes was appointed to prepare the reasons therefor, who forthwith presented the following, "The Governor & Council consider the power should remain in the Supreme Court," which were approved. *Ordered* that the Secretary inform the House & return s<sup>d</sup>. bill & reasons.

The House returned the engrossed bill entitled "An act annexing Woodbury to Washington County," and informed that they had not concurred in the proposed amendment and assigned their reasons therefor through Mr. Bruce, one of its members. The said bill was then taken under consideration and read, Whereupon *Resolved* to suspend the passage of said bill until the next session of the Legislature.

The Governor & Council proceeded to make the following appointments: Hon. Titus Hutchinson, Hon. David M. Camp, & Rev<sup>d</sup>. Samuel Hopkins, commissioners under the third section of an act entitled "an act in addition to and in amendment of the several acts for the purpose of founding the University of Vermont," passed Oct. 30, 1828; [and] Hon. Cyrus Ware, Surveyor of public buildings. Adjourned to 6 o'clock tomorrow morning.

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#### FRIDAY Nov. 7, 1834. 6 o'clock A. M.

The Governor & Council met agreeably to adjournment. Rec<sup>d</sup>. from the House for concurrence in passing the following resolution, to wit, "Resolved, the Governor & Council concurring herein, that the Governor be requested to procure a sword with suitable devices emblematical of the capture of the Cyane & Levant by the American Frigate Constitution, and present the same to Lieut. Horace B. Sawyer, as a testimony of the high sense which the General Assembly entertain for his services & gallantry on that memorable occasion," which was read, Whereupon *Resolved* to non concur in passing said resolution. *Ordered* that the Secretary inform the House accordingly.

Rec<sup>d</sup>. a message from the House of Representatives by Mr. [Chauncey W.] Conant, one of its members, informing that the House had, on their part, completed the business of the session, & were ready to meet the Governor & Council for the purpose of adjourning the Legislature

without day. *Ordered* that the Secretary inform the House of Representatives that the Governor & Council will immediately attend in the Representatives' room for the purpose of adjourning the Legislature without day.

The Governor & Council attended in the Representatives' room agreeably to the joint resolution of the two Houses, when the Sheriff of Washington County, by direction of His Excellency the Governor, adjourned the Legislature without day. The Governor & Council then returned to their Chamber & adjourned without day.

STATE OF VERMONT ss.—The foregoing from page 103 to page 202 [of the manuscript Council Journal, Vol. 12.] inclusive, is a true journal of the proceedings of the Governor & Council at their annual session in the year 1834.

GEO. B. MANSEY, *Secretary*.

| DEBENTURE<br>OF THE<br>LIEUT. GOVERNOR & COUNCIL<br>1834. | No. of Miles<br>Travel. | Amount of<br>Travel. | No. of Days<br>Attendance | Amount of<br>Attendance | Debenture. |
|---|-------------------------|----------------------|---------------------------|-------------------------|------------|
| Lt Gov. Egerton   | 1                       | 12                   | 30                        | 120.00                  | 120.12     |
| Mr. Beardsley   | 64                      | 7.68                 | 26                        | 39.00                   | 46.68      |
| " Birchard  | 105                     | 12.60                | 30                        | 45.00                   | 57.60      |
| " Cahoon  | 45                      | 5.40                 | 30                        | 45.00                   | 50.40      |
| " Cobb  | 32                      | 3.84                 | 30                        | 45.00                   | 48.84      |
| " Green   | 68                      | 8.16                 | 29                        | 43.50                   | 51.66      |
| " Griswold  | 38                      | 4.56                 | 30                        | 45.00                   | 49.56      |
| " Howe  | 100                     | 12.00                | 30                        | 45.00                   | 57.00      |
| " Janes   | 12                      | 1.44                 | 30                        | 45.00                   | 46.44      |
| " Jenison   | 82                      | 9.84                 | 30                        | 45.00                   | 54.84      |
| " Robinson  | 53                      | 6.36                 | 30                        | 45.00                   | 51.36      |
| " Sherman   | 136                     | 16.32                | 30                        | 45.00                   | 61.32      |
| " Wardner   | 65                      | 7.80                 | 29                        | 43.50                   | 51.30      |
| " Graves  | 47                      | 5.64                 | 2                         | 3.00                    | *          |
| " Loveland  | 60                      | 7.20                 | 2                         | 3.00                    | *          |
| Sheriff Carter  | 8                       | .96                  | 30                        | 45.00                   | 45.96      |
| Deputy Sheriff  | 11                      | 1.32                 | 30                        | 45.00                   | 46.32      |
| Librarian   | 1                       | .12                  | 30                        | 45.00                   | 45.12      |
| * Paid by the Treasurer.                                  |                         |                      |                           |                         | \$884.52   |

The above was rec<sup>d</sup> of the Treasurer by the Sheriff of Washington County, and by him paid over to the members of the Council &c.





*Elias H. Johnson*



# FIFTY-NINTH COUNCIL.

OCTOBER 1835 TO OCTOBER 1836.

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SILAS H. JENISON, Shoreham, *Lieut. Governor* and *ex officio Governor*.<sup>1</sup>

## Councillors:

RICHARDSON GRAVES, Concord,  
GEORGE GREEN, Swanton,  
JOHN S. PETTIBONE, Manchester,  
ALLEN WARDNER, Windsor,  
DAVID CRAWFORD, Putney,  
THOMAS D. HAMMOND, Orwell,  
HARVEY BELL, Middlebury,

MARTIN FLINT, Randolph,  
GEORGE P. MARSH, Burlington,  
MILTON BROWN, Worcester,  
WALTER HARVEY, Barnet,  
ELISHA H. STARKWEATHER, Iras-  
burgh.

GEORGE B. MANSER, Williston, *Secretary*.

ALVAN CARTER, Barre, *Sheriff*.

HEMAN CARPENTER, Northfield, *Librarian*.

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## BIOGRAPHICAL NOTICES.

DAVID CRAWFORD was a son of Councillor Theophilus Crawford of Putney, and first appears in Vermont history as first Lieutenant of the 11th regiment of U. S. Infantry, appointed June 26, 1813, and he was Adjutant of that regiment in the battle of Lundy's Lane. He was slightly wounded in the sortie from Fort Erie, Sept. 17, 1814, and from that date was a Captain.—See Vol. VI, pp. 474, 508–9, and 516. He represented Putney in the General Assembly 1828 and '29 and 1832 and '33, and was its Delegate in the Constitutional Convention of 1843. He was Councillor in 1835, Presidential Elector in 1836, State Senator 1840 and '41, and one of the Council of Censors in 1848.—*Deming's Catalogue*.

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<sup>1</sup>There was no election of Governor by the people in 1835, but Mr. Jenison was elected Lieut. Governor. The Joint Assembly balloted unsuccessfully for Governor from October 9 until Nov. 2, when the Joint Assembly was dissolved, yeas 113, nays 100. So, under the Constitution, Lieut. Gov. Jenison became acting Governor.



**THOMAS DENNY HAMMOND**, oldest son of Councillor Thomas Hammond, and son-in-law of Councillor Apollos Austin, was born in Pittsford, Aug. 16, 1791, represented Orwell in the General Assembly 1828, '29, and 1832 until 1835, and was Councillor in 1835. He died March 30, 1841.—Caverly's *History of Pittsford*.

**HARVEY BELL** was Councillor in 1835 and State Senator in 1836 and '37.—Deming's *Catalogue*.

**MARTIN FLINT** was born in Hampton, Conn., Jan. 12, 1782, and three years later was brought to Randolph by his parents. Of that town he was a citizen during the remainder of his life until his death, Feb. 28, 1855. He was an energetic, patriotic and influential citizen. On the invasion of Plattsburgh in 1814, he was active in raising a company of volunteers, of which he became lieutenant, with Lieut. Gov. Egerton as captain.—See notice of Lieut. Gov. Egerton. Gen. Flint represented Randolph in the General Assembly 1831 until 1835, was Councillor in 1835, and Judge of Orange County Court 1841 until 1844. He was also Adjutant General of the State. His biographer states that he was the first Mason in the State who publicly renounced that institution. Certain it is that he was a leading and very energetic man in the anti-masonic party from 1827 until its dissolution in 1835, after the Grand Lodge had resolved to surrender its charter. In 1833, as Chairman of the Anti-masonic State Committee, he assisted in preparing for publication a book entitled "Masonic Oaths, with notes, to which are added Practical Proofs of the character and tendency of Free Masonry." Gen. Flint was a good farmer, a good neighbor, a good husband, and the father of nine children.—*Vermont Historical Magazine*, Vol. II, title "Randolph."

**GEORGE PERKINS MARSH, LL. D.**, was born at Woodstock, March 15, 1801, son of Hon. Charles Marsh and grandson of Lieut. Gov. Joseph Marsh, was graduated at Dartmouth College 1820, and in 1825 commenced practice as a lawyer at Burlington. He was Councillor 1835; Member of Congress March 1843 to March 1849; Resident Minister in Turkey 1849 to 1853, and in 1852 was charged with a special mission to Greece. He was State Railroad Commissioner 1857 until 1859, and in 1861 was again appointed for diplomatic service, in which he is still engaged as Envoy Extraordinary and Minister Plenipotentiary to Italy. In March, 1849, the editor of these volumes drew up, at the request of several Vermonters then in Washington, a petition to President Taylor, through the Secretary of State, to employ Mr. Marsh in diplomatic service. Feeling that nothing could be fairly asked as an honor or favor to Vermont, as Judge Collamer had already been placed in the Cabinet as Postmaster General, the petition commended Mr. Marsh for the purity and dignity of his character, and his pre-eminent fitness as a linguist and scholar for that particular branch of public service. These grounds

were accepted as conclusive, and the long and successful diplomatic career of Mr. Marsh attests the wisdom as well as the generosity of the President. Mr. Marsh's printed works are voluminous, exhibiting immense learning, and some of them applying that learning to practical and useful purposes.—Lanman's *Dictionary of Congress*; Drake's *Dictionary of American Biography*; and Walton's *Vermont Register*. There is a discrepancy as to the birth-day of Mr. Marsh, Drake stating it as March 17, and Lanman as March 15, 1801.

MILTON BROWN was born April 1, 1798, at Winchendon, Mass., and came with his father, Amasa Brown, to Montpelier in 1807. He represented Worcester in the General Assembly 1829 until 1833, 1837 and 1850; was Sheriff of Washington County in 1832, and Councillor 1835. He died at Montpelier, July 3, 1852, in his fifty-fifth year.—Deming's *Catalogue*; and *Vermont Watchman & State Journal*.

WALTER HARVEY, son of Col. Alexander Harvey, the first representative of Barnet in 1778 and in the Constitutional Convention of 1791, was born in Barnet and represented that town in the General Assembly 1824-'5, 1829, 1837 to 1839, and in 1844, and in the Constitutional Convention of 1828. He was Councillor 1835, and Judge of Caledonia County Court in 1849.—*Vermont Historical Magazine*, Vol. I, title "Barnet."

ELISHA H. STARKWEATHER was an attorney in Derby 1823-1826, and in Irasburgh 1827 to 1836; representative of Irasburgh in the General Assembly 1828 to 1831; State's Attorney for Orleans County 1828 to 1830, and in 1835; Member of the Council of Censors 1834; and Councillor 1835.—*Vermont Historical Magazine*, Vol. III, title "Irasburgh"; and Walton's *Vermont Register*. There are some errors in the dates in the article on Irasburgh.

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## RECORD OF THE GOVERNOR AND COUNCIL

AT THE

SESSION WITH THE GENERAL ASSEMBLY AT MONTPELIER, OCTOBER 1835.

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A journal of the proceedings of the Governor & Council of the State of Vermont, at their session begun and holden at Montpelier, on the second Thursday of October (being the eighth day) in the year of our LORD one thousand eight hundred & thirty-five, and of the Independence of the United States the sixtieth. Present, His Excellency Will-

iam A. Palmer, Governor, His Honor Lebbeus Egerton, Lieutenant Governor,

The Hon. Silas H. Jenison, .  
 “ “ Daniel Cobb,  
 “ “ Zimri Howe,  
 “ “ Austin Birchard,  
 “ “ William A. Griswold,  
 “ “ George Green, &  
 “ “ Allen Wardner, *Councillors*.  
 Geo. B. Manser, *Secretary*.

Adjourned to 2 o'clock P. M.<sup>1</sup>

2 O'CLOCK P. M.—The Governor & Council met agreeably to adjournment. A message was rec<sup>d</sup>. from the House of Representatives, by Mr. [Hon. George C.] Cahoon, one of its members, informing that the House had organized by electing Ebenezer N. Briggs Speaker *pro tem.* and Oramel H. Smith Clerk *pro tem.* and were ready to receive any communications which the Governor & Council might make. *Ordered* that the Secretary inform the House that the Governor & a quorum of the Council are assembled in the Council Chamber and are ready to proceed to business.

A message was rec<sup>d</sup>. from the House of Representatives, by Mr. [Hon. James K.] Hyde, one of its members, informing that the House had, on their part, appointed a Canvassing Committee to receive, sort & count the votes for Governor, Lt Governor, Treasurer and Councillors for the year ensuing, and requesting the Governor & Council to join in said appointment; Whereupon, *Resolved* to concur in said appointment, and Messrs. Jenison, Wardner & Green were appointed from Council, and were duly sworn, by His Excellency the Governor, to the faithful discharge of their duty. *Ordered* that the Secretary inform the House of such concurrence and appointment. Adjourned to 9 o'clock tomorrow morning.

FRIDAY Oct<sup>r</sup> 9, 1835.

The Governor & Council met agreeably to Adjournment. A message was rec<sup>d</sup>. from the House of Representatives by Mr. [Gen. Ambrose L.] Brown, one of its members, informing that the House was ready on their part to receive the report of the Canvassing Committee. *Ordered* that the Secretary inform the House that the Governor & Council will immediately attend in the Representatives' Hall to receive the report of the Canvassing Committee.

The Governor & Council repaired to the Representatives' room for the purpose of receiving the report of the Canvassing Committee, when the following report was made, viz :

“To the Hon. General Assembly now in session. Your Committee, appointed to receive, sort, and count the votes for Governor, Lieutenant Governor, Treasurer and Councillors, having attended to the duties assigned them, respectfully report, that the whole number of votes given for Governor was

Necessary for a choice

34,953  
17,477

<sup>1</sup> There was no election sermon at this session; and no chaplain was elected, but on invitation of the Clerk, by order of the House, the clergymen of Montpelier officiated in rotation as chaplains. Oct. 13, the Council invited the Rev. Chester Wright to officiate as chaplain of that body.

## Of the above number of votes

|  |        |
|--|--------|
| William A. Palmer [Anti Mason] received      | 16,210 |
| William C. Bradley [Democrat]       “        | 13,254 |
| Charles Paine [Whig]                       “ | 5,435  |
| Scattering                                   | 54     |

No person having rec<sup>d</sup> the number of votes necessary for a choice, no election of Governor has been made by the freemen for the year ensuing.<sup>1</sup>

Your committee further report that the votes returned for Lieutenant Governor are as follows :

|                      |        |
|----------------------|--------|
| For Silas H. Jenison | 21,316 |
| Truman Chittenden    | 13,071 |
| Scattering           | 81     |

Your Committee therefore report that the freemen have elected Silas H. Jenison Lieutenant Governor for the year ensuing.

Your Committee further report that the votes returned for Treasurer are as follows :

|                      |        |
|----------------------|--------|
| For Augustine Clarke | 18,060 |
| Charles R. Cleaves   | 14,865 |
| Scattering           | 1,291  |

Your Committee therefore report that the freemen have elected Augustine Clarke Treasurer for the year ensuing.

Your Committee further report that John S. Pettibone, David Crawford, Thomas D. Hammond, Allen Wardner, Harvey Bell, Martin Flint, George P. Marsh, Milton Brown, Walter Harvey, George Green, E. H. Starkweather & Richardson Graves, having each rec<sup>d</sup> a larger number of votes than any other person for the office of Councillor, are duly elected Councillors within & for the State of Vermont for the year ensuing.

All of which is respectfully submitted.

A. WARDNER, *Clerk*.

S. H. JENISON, *Chairman*.

The Governor & Council then returned to their Chamber.

#### <sup>1</sup> POLITICAL NOTE.

The defeat of Gov. Palmer was undoubtedly accomplished by a movement in Washington County, in which both Antimasons and Whigs took part. It was based upon the special ground that Gov. Palmer's position in respect to Mr. Van Buren, the then expected Democratic candidate for President, was doubted; and generally upon the policy of uniting in one party, in view of the then coming Presidential election, both the Whigs and Antimasons of Whig proclivities. For this purpose a County Convention, composed of Whigs and Antimasons, met at Montpelier on the 25th of June, 1835, and ratified the nominations of the Antimasonic State Convention, Gov. Palmer alone excepted, for whose name that of Charles Paine was substituted. This scheme was supported in the other Counties sufficiently to defeat Gov. Palmer in 1835; and in 1836 the union was completed, the distinctive Antimasonic party disappeared, and the Whig sentiment prevailed in both the State and Presidential elections. From that date until the organization of the Republican party in 1854, the Whig party succeeded at every election but one, in 1853, when there was no election of State officers by the people, and the Democratic candidates were elected by the Joint Assembly.

His Honor, Silas H. Jenison, who had been elected Lieutenant Governor for the year ensuing, appeared in the Council Chamber and took & subscribed the necessary oaths of office before Hon. Dan Carpenter, assistant Judge of the County Court within & for the County of Washington.

Messrs. Martin Flint, George Green, Harvey Bell, Richardson Graves, Geo. P. Marsh, Walter Harvey, Thomas D. Hammond, David Crawford, and Allen Wardner, who had been elected Councillors for the ensuing year, appeared in the Council Chamber and took & subscribed the necessary oaths of office before Hon. Dan Carpenter, Assistant Judge of the County Court for the County of Washington. *Ordered* that the Secretary inform the House of Representatives that the Lt Governor & Council are now organized and are ready to proceed to business.

Hon. E. H. Starkweather, who had been elected Councillor for the year ensuing, appeared in the Council Chamber, took & subscribed the requisite oaths before Mr. Wardner of the Council. Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—The Lt Governor & Council met agreeably to adjournment. Rec<sup>d</sup> from the House for concurrence in passing the following resolution, "Resolved, the Governor & Council concurring herein, that both Houses meet in joint Committee, in the Representatives' room, at two o'clock this afternoon, for the purpose of electing a Governor for the year ensuing," which was read, Whereupon *Resolved* to concur in passing said resolution. *Ordered* that the Secretary inform the House accordingly.

Messrs. [Milton] Brown & [John S.] Pettibone, who had been elected Councillors for the ensuing year, came into the Council Chamber, took and subscribed the necessary oaths before Mr. Wardner, one of the Council.

Hon. Augustine Clarke, who had been elected Treasurer of the State of Vermont, came before the Governor & Council, presented his official bond, which was approved of, and the requisite oaths were taken & subscribed before His Honor the Lt Governor.

Lt Governor & Council repaired to the Representatives' room on the joint resolution to elect a Governor, and after balloting in joint Committee several times without effecting a choice, the joint Com. adjourned, & the Gov. & Council returned to their Chamber and Adjourned to 9 o'clock tomorrow morning.<sup>1</sup>

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SATURDAY Oct<sup>r</sup> 10, 1835. 9 o'clock A. M.

The Governor<sup>2</sup> & Council met agreeably to adjournment, and proceeded to the Representatives' room on the adjournment of the Joint

<sup>1</sup> The first ballot resulted as follows: William A. Palmer 110, William C. Bradley 73, Charles Paine 42, Scattering 1—total 226. On the second ballot Governor Palmer gained, and Messrs. Bradley and Paine lost one each. There were 63 ballots, and the highest vote received by Gov. Palmer was 112, by Mr. Bradley 73, and by Mr. Paine 45. After the sixty-third ballot, Nov. 2, on motion of Hon. Lyman Fitch of Thetford, a Democrat, the Joint Assembly *dissolved*—yeas 113, nays 100.—*Vermont Watchman and State Gazette*, October and November, 1835.

<sup>2</sup> The constitution in force in 1835 provided that the Lieut. Governor, in the absence of the Governor, should have the powers of Governor. It

Committee, to elect a Governor, and, after several ineffectual ballotings, the Committee adjourned and the Gov. and Council returned to their Chamber and Adjourned to 2 o'clock P. M.

2 o'CLOCK P. M.—The Governor & Council met agreeably to adjournment. Petitions from Isaac Bellows, Thomas Agin, William Wilson, Charles Ball, Isaac Brevoort, Joseph Bell, Harrison Brown, John Karney, John Battis, Oliver Brewster, Walter R. Carlew, W<sup>m</sup>. P. Curtis, Antoine Chebôno, Dudley C. Dean, I. P. Downing, James Davis, Curtis Fargo, Geo. Darling, W<sup>m</sup>. R. Ellis, Francis Grant, Charles B. Hinckley, John Hassett, George Huzzy, Sam<sup>l</sup>. Howard, John S. Hammon, Ransom Henry, Sam<sup>l</sup>. Hackenbottom, David Hedges, Enoch Hall, John Johnson, Asa Pendleton, Dan<sup>l</sup>. Quimby, Stephen Robbins, Geo. Shepherd, Reuben Tuttle, Otis Wilcox, Dyar Weaver, Alexander Johns, James Jones, Thomas Mott, Isaiah Sancho, Enos Stratton, John W. Sweetser, Lyman Sears, Isaac Thompson, Jo<sup>a</sup>. Trombly, Jacob S. Wright, John Jennings, John Dickenson, Sam<sup>l</sup>. Haynes, James Lovely, David Hunt, Abijah Lake, and Godfrey McEnos, convicts in the State Prison, were taken up & being separately considered were *Ordered* to be dismissed.

The House sent up for concurrence in the reference the following, "Resolved, the Governor & Council concurring herein, that both Houses meet in joint Committee on Tuesday next at 10 o'clock A. M. for the purpose of electing Judges of the Supreme Court for the year ensuing," which was read, Whereupon the same was *Ordered* to lie on the table.

Also rec<sup>d</sup>. the following. "Resolved, the Governor & Council concurring herein, that the members of the House from each County, in conjunction with the Councillor or Councillors residing in such County, meet in County Conventions on Monday next at 3 o'clock P. M. for the purpose of making nominations for County officers, & that both Houses meet in Joint Committee on Tuesday next at half-past 9 o'clock A. M. for the purpose of electing County Officers," which was read, and *Ordered* to lie on the table. Adjourned to Monday Morning next, 9 o'clock A. M.

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MONDAY Oct<sup>r</sup> 12, 1835. 9 o'clock A. M.

The Governor & Council met agreeably to adjournment. The petition of Alexander Townsend, a convict in the State prison, was taken up and *Ordered* to lie on the table.

Mr. Marsh moved the reconsideration of the vote of Saturday, dismissing the petition of Otis Wilcox, a convict in the State Prison, which was lost.

The petition of Samuel Blake, a convict in the State Prison, was taken up, and on the question "Shall the said Samuel Blake be discharged from State Prison?" being put it was determined in the affirmative. Yeas 10. Nays 0. Those who voted in the affirmative are Messrs. Bell, Crawford, Flint, Graves, Green, Hammond, Harvey, Marsh, Starkweather & Wardner.

Mr. Graves moved the reconsideration of the vote dismissing the petition of William R. Ellis, a State prison convict, which motion, after much discussion, was lost.

Mr. Hammond called up the resolution appertaining to County Conventions &c. and on motion of Mr. Flint it was again *Ordered* to lie on

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was not inappropriate, therefore, for the Secretary to style the Lieutenant Governor, in this case, "Governor," though he did not uniformly do so.—See *post*, under date of Nov. 11, 1835.

the table & be made the order of the day for this afternoon. Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—Governor & Council met agreeably to adjournment. The resolution respecting County Conventions &c was taken up & *Ordered* to be laid on the table.

Mr. Pettibone moved the reconsideration of the vote dismissing the petition of Sam<sup>l</sup> Hackenbottom, which was lost. Adjourned to 9 o'clock tomorrow morning.

TUESDAY, Oct<sup>r</sup> 13, 1835. 9 o'clock A. M.

The Governor & Council met agreeably to adjournment. The petition of Harmon Cronk, a State prison convict, was taken up & *Ordered* to be dismissed.

The Governor & Council proceeded to the Representatives' room on an adjournment of the Joint Committee to elect a Governor, and after balloting ineffectually for some time, the Committee adjourned & Governor & Council returned to their Chamber.

Rec<sup>d</sup> from the House for concurrence in the reference to a select committee of four members of the House & requesting the Gov. & Council to join in such reference, the following, viz: "Petition of Harry Loverin praying for an alteration of his name." *Resolved* to concur in said order of reference & Mr. Bell appointed from Council. *Also* "An act in addition to an act entitled an act ascertaining the principles on which the list of this State shall be made." *Resolved* to concur and Mr. Hammond app<sup>d</sup> from Council. *Also* "Petition of the Selectmen of the towns of Landgrove & Peru praying for the establishment of the town line between said towns." *Resolved* to concur & Mr. Crawford appointed from Council. *Also* ["An act to incorporate the] Vermont Life Insurance & Trust Company." *Resolved* to concur & Mr. Pettibone appointed from Council. *Also* "Petition of John Shaw & others praying that laws be enacted prohibiting the erection of Nunneries within this State." *Resolved* to concur & Mr. Marsh appointed from Council. *Also* "Petition of Theodore S. Rust praying to be restored to his legal privileges." *Resolved* to concur & Mr. Bell appointed from Council.

The House sent up for concurrence in the reference the following, to wit, "An act to incorporate the President, Directors & Co. of the Chittenden County Bank," "An act to incorporate the Bank of Washington County," *also* "An act to incorporate the Farmers', Mechanics' & Manufacturers' Bank." "An act to incorporate the Castleton Bank." Rec<sup>d</sup> *also* "An act to incorporate the President, Directors & Co. of the Bank of Poultney," "An act to incorporate the President, Directors & Co. of the Bennington County Bank," "An act to incorporate the People's Bank," "An act to incorporate the President, Directors & Co. of the Bank of Brandon," "Petition of William Rhodes & others, Inhabitants of Richmond, praying for a Bank in Chittenden County," "The petition of Truman Chittenden & others for a Bank in Chittenden County," "Petition of John Marsh & others for a Bank at Perkinsville in the town of Weathersfield," "Petition of Jefferson Wright praying for the incorporation of a Bank at Proctorsville," "Petition of Don Lovell & others for a Bank at Springfield," "Petition of Stephen Dewey & others for Bennington County Bank," "Petition of Phineas Spaulding & others for the incorporation of a Bank at Lyndon," "Petition of Martin Field & others praying for the Incorporation of a Bank at Fayetteville," "Petition of John Wright praying for the incorporation of a Bank at Norwich," "Petition of Ellis Bliss praying for the establishment of a Bank

at Bradford," and "Petition of Sundry inhabitants of Castleton & vicinity for a Bank to be established at Castleton," with an order of reference to the Committee on Banks, Whereupon: *Resolved* to concur in said several orders of reference.

*Also* "An act relating to forfeiture of lumber on the banks of Connecticut River," "An act to restrain cattle from running at large in the highways," and "An act to repeal an act passed to encourage the destruction of Crows," with an order of reference on each to the General Committee. *Also* "An act to incorporate certain persons therein named by the name of the Vermont Farming Company," and *Also*, "An act to increase the bounty on Wolves," with an order of reference on each to the Com. on Agriculture; And *also* "An act in addition to and in alteration of an act entitled 'an act directing the proceedings against the Trustees of concealed or absconding debtors,' passed Oct<sup>r</sup> 31, 1797," *also* "Petition of Enos Blin & others praying for an extension of the limits of the Jail Yards in this State," *also* "Resolution respecting Banks," *also* "An act altering the time of holding the Courts in the County of Bennington," *also* "An act in addition to the several statutes which regulate the limitation of actions," "An act appointing a Collector in the town of Middletown," "An act in addition to an act passed Nov. 18, 1824, entitled "An act in addition to an act entitled 'an act defining what shall be deemed & adjudged a legal settlement and for the support of the poor,' &c" and "An act to provide for the reporting the decisions of the Supreme Court," with an order of reference on each to the Judiciary Committee.

*Recd. also* "Petition of the Selectmen of Kirby for a land Tax," "Petition of the Inhabitants of Elmore for a land Tax," *also* "Petition of Elijah Robinson & others praying for a land Tax on Charleston," and "Petition of the Inhabitants of Charleston for a land Tax on said town," "Petition of the Selectmen of Glastenbury praying that the act passed last session laying a tax on said town may be revived," *also* "Petition of the Inhabitants of the town of Victory praying for a land tax on said town," with an order of reference on each to the Land Tax Committee.

*Recd. also* "An act directing the Treasurer of this State to pay Nahum Jennison and Joseph S. Jennison the sum therein mentioned," *also* "Petition of Joseph Beeman praying for relief," and *Recd. also*, "Petition of James Jones for remuneration of expenses incurred in apprehending a felon," "An act directing the Treasurer to pay Zalmon Booth the sum therein mentioned," "An act directing the Treasurer of this State to pay Alba Davidson the sum therein mentioned," "An act directing the Treasurer to pay David Harrington the sum therein mentioned," *also* "An act directing the Treasurer to pay William Mann the sum therein mentioned," *Also* "An act directing the Treasurer to pay Araunah Waterman the sum therein mentioned," *also* "Petition of the Selectmen of Peru praying that a certain sum may be credited said town on the State Tax," *also* "Petition of Myron C. Thacher & John Haseltine praying for remuneration for monies expended in apprehending a felon," with an order of reference on each to the Committee of Claims.

*Recd. also* "An act for the relief of Phineas Stearnes and others," *also* "Petition of Joseph Weeks praying for the remission of a debt due the State," "Petition of Hyman Lane praying that a certain sum paid into the State Treasury be refunded to him," with an order of reference thereon to the Committee of Ways & Means.

*Also* "An act in addition to an act entitled an act establishing a corporation by the name of the Sherburne Turnpike Company," *also* "Petition of Benjamin Allen & others for a Turnpike Road," "Petition of Ziba Pope & others for a grant of a Turupike," "Petition of David



Eaton & others for a Turnpike," *also* "Petition of the Sherburne Turnpike Company for leave to alter & extend their road," "Petition of the inhabitants of Newark praying for the discontinuance of a road in said town," *Also* "Petition of Centre Turnpike Company praying for relief," *Also* "An act to incorporate the Rutland Railroad Bank," *also* "An act to incorporate the Vergennes & Bristol Rail Road Company," with an order of reference on each to the Committee on Roads & Canals.

*Recd. also* "Report of the Committee on Education on the petition of John Beckwith, "An act to incorporate the Winooski Society," *also* "An act more effectually to protect the sepulchres of the dead, and to legalize the study of Anatomy in certain cases," *also* "An act in amendment of an act entitled 'an act to provide for the support of common schools,' " with an order of reference on each to the Committee on Education.

*Also* "Petition of Stephen Cummings & others praying for the incorporation of the Green Mountain Woolen Manufacturing Company," *also* "An act to incorporate the Brandon Iron Company," *also* "An act to incorporate the Missisquoi Manufacturing Company," with an order of reference on each to the Committee on Manufactures.

*Also* "Petition of John P. Richardson & others praying that Imprisonment for debt may be abolished," and "Petition of Cromwell Bowen & others praying that imprisonment for debt may be abolished," *also* "Petition of David B. Blakely & others praying that imprisonment for debt may be abolished," with an order of reference on each to the Committee on Insolvency.

*Recd. also*, "An act making appropriation to repair the State House & for other purposes," "An act directing the Treasurer to pay A. S. Blake and D. Azro A. Buck the sum therein mentioned," "Petition of David Hammond praying for the establishment of an Independent Rifle Company," "An act regulating the uniform of the officers of the Militia," "Petition of Jason Babcock & others praying for the loan of a field piece." *Recd. also* "Petition of Franklin Artillery praying for the loan of a field piece," and "An act for the benefit of the Franklin Artillery Company," with an order of reference on each to the Com<sup>t</sup> on Military Affairs, Whereupon, *Resolved* to concur in said several orders of reference.

*Recd.* from the House for concurrence in passing the following resolution, "Resolved, the Governor and Council concurring herein, that the General Committee be instructed to inquire into the expediency of providing by law for County Poor Houses," which was read, Whereupon *Resolved* to concur in passing said resolution.

Mr. Brown introduced the following resolution, to wit,

"IN COUNCIL Oct. 13, 1835.

"*Resolved* that the Rev<sup>d</sup>. Chester Wright be invited to officiate as Chaplain to the Governor & Council during the present session of the Legislature," which was read and passed.

*Recd.* from the House the following list of joint standing Committees, wit,

- A Committee of four, denominated the Committee of Ways & Means.
- A Committee of four, denominated the Committee of Military Affairs.
- A Committee of four, denominated the Judiciary Committee.
- A Committee of four, denominated the Committee of Claims.
- A Committee of four, denominated the Com<sup>t</sup> on Roads & Canals.
- A Committee of four, denominated the Committee on Banks.
- A Committee of four, denominated the Committee of Insolvency.
- A Committee of four, denominated the Committee of Manufactures.
- A Committee of four, denominated the Committee on Agriculture.
- A Committee of four, denominated the Land Tax Committee.

A Committee of four, denominated the Committee on Education.

A Committee of thirteen, denominated the General Committee, with a request that the Governor & Council would join on their part in said appointments, Whereupon *Resolved* to concur in the appointment of said Committees. Adjourned to 2 o'clock P. M.

2 o'clock P. M.—The Governor & Council met agreeably to adjournment. Petition of Elizabeth Niles, a convict in the State Prison, was taken up and *Ordered* to be dismissed.

The Governor & Council repaired to the Representatives' room on an adjournment of the Joint Committee to elect a Governor, and after balloting several times without effecting a choice, the Joint Committee adjourned and the Governor & Council returned to their Chamber, and Adjourned to 9 o'clock tomorrow morning.

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WEDNESDAY Oct<sup>r</sup> 14, 1835. 9 o'clock A. M.

L<sup>t</sup> Governor & Council met agreeably to adjournment. The following gentlemen were appointed on the several Standing Committees, to wit,

On the Committee on Ways & Means, Mr. Hammond,  
On the Committee on Military Affairs, Mr. Flint,  
On the Committee of Claims, Mr. Pettibone,  
On the Judiciary Committee, Mr. Marsh,  
On the Com<sup>t</sup>. on Roads & Canals, Mr. Crawford,  
On the " on Banks, Mr. Wardner,  
On the " on Insolvency, Mr. Bell,  
On the " on Manufactures, Mr. Green,  
On the " on Agriculture, Mr. Graves,  
On the Land Tax Committee, Mr. Harvey,  
On the Committee on Education, Mr. Starkweather,  
On the General Committee, Mr. Brown.

Mr. Crawford called up the resolution relating to County Conventions &c<sup>t</sup> read & *Ordered* to be laid on the table.

L<sup>t</sup> Governor & Council proceeded to the Representatives' room on an adjournment of the Joint Committee to elect a Governor, & after repeated unsuccessful ballotings, Com. adjourned, & L<sup>t</sup> Gov. & Council returned to their chamber.

Mr. Marsh called [up] the resolution relating to County Conventions &c<sup>t</sup> & proposed the following amendments, viz. Strike out the word "Monday" and insert in lieu thereof *Thursday*, & strike out the word "Tuesday" and insert insert in lieu thereof *Friday*, which amendments were adopted. Whereupon *Resolved* to concur in passing s<sup>d</sup>. resolution as amended. *Ordered* that the Secretary inform the House accordingly. Adjourned to 2 o'clock P. M.

2 o'clock P. M.—L<sup>t</sup> Governor & Council met agreeably to adjournment. The House sent up for concurrence in the reference the following, to wit, "An act in addition to an act entitled an act to provide for the support of common schools," with an order of reference thereon to the Committee on Education, "Petition of Arnold Streeter & others praying for the establishment of an Independent Company in the town of Vernon," also "An act directing the quarter master General to furnish a field piece with carriage & apparatus for the use of an Artillery company in Londonderry attached to 3<sup>d</sup> Regiment & 1<sup>st</sup> Brigade 2<sup>d</sup> Division of the Militia of this State," with an order of reference on each to the Committee on Military Affairs. And "Petition of Benj<sup>t</sup> Leland &

others praying that the farm of the said Benj<sup>a</sup> may be set off to Clarendon," "Petition of Abraham Miller & others praying that an act may be passed to prevent cattle running at large," with an order of reference on each to the General Committee. Also "Petition of Ziba Wilbur, praying that a sum paid by him for a Pedler's license, may be refunded in part." "Petition of John Blake praying for the remission of a fine & costs, & for liberation from imprisonment," and "Petition of Jesse Whitney praying that a debt due from him to the State may be remitted," with an order of reference on each to the Committee of Ways & Means. Whereupon *Resolved* to concur in said several orders of reference.

Rec<sup>d</sup>. also "An act regulating the appointment of Cashiers," and "Report of the Bank Commissioners," with an order of reference on each to a select committee of four members of the house to join from Council. Whereupon *Resolved* to concur in said order of reference & Mr. Starkweather appointed from Council.

Rec<sup>d</sup>. also "An act extending the time & continuing in force for a limited period 'an act to incorporate the President, Directors & Co. of the Bank of St. Albans,'" with an order of reference thereon to the Committee on Banks. Also "An act in addition to an act entitled an act to incorporate the Goshen Turnpike Company," also "Petition of the Selectmen of the towns of Woodstock, Hartland, Hartford, & Pomfret, praying for a committee to establish a bridge across Water [or Otta] Quechee River, & to apportion the expense thereof among said towns," "Petition of Jabez Proctor & others praying for the incorporation of a Rail Road Company between Rutland & Connecticut River," "Petition of Harry [Henry] Hubbard & others praying for the incorporation of a Rail Road Company between Rutland & Connecticut River," also "Petition of Nomias Cobb & others praying for the incorporation of a Rail Road Company between Rutland & Connecticut River," also "Petition of Josiah R. Barnes & others praying for the incorporation of a Railroad Company between Rutland & Connecticut River," also "Petition of Winter H. Holley & others praying for an act incorporating a Rail Road Company between Vergennes & Bristol," also "Petition of Myron Corey & others for an act incorporating a Rail Road Company between Vergennes & Bristol," also "Petition of John Holbrook & others praying for the incorporation of a Rail Road Company between Connecticut River and the west line of this State," with an order of reference on each to the Committee on Roads & Canals.

Also "Petition of Thomas G. French & others praying for a land Tax on Brunswick," "Petition of Selectmen of Worcester for a land tax," "Petition of the Selectmen of Woodbury praying for a land tax on said town," "Petition of the inhabitants of the towns of Brighton & Wrenlock praying for a land tax on said towns," and Also "Petition of the Selectmen of Chittenden praying for a land Tax on said town," "Petition of the Selectmen of Groton for a land tax on said town," with an order of reference on each to the Land Tax Committee. Whereupon *Resolved* to concur in said several orders of reference.

Rec<sup>d</sup>. also. "An act altering the name of Charlotte Miranda Gulley," with an order of reference thereon to a Select committee of four members of the House, with a request that the Council would join in said Committee. Whereupon *Resolved* to concur & Mr. Bell appointed from Council.

Also "Petition & memorial of the Trustees of the Asylum for the Insane, praying for aid from the State for the accomplishment of its objects," [referred to] Select Com<sup>t</sup> of four to join; Whereupon *Resolved* to concur & Mr. Hammond appointed from Council.

Rec<sup>d</sup>. also "Petition of Joseph Holt praying for remuneration for expenses incurred in apprehending a felon," also "Petition of Daniel Warner praying for remuneration for expenses incurred in apprehending a felon," "Petition of Daniel Brown for remuneration for expenses incurred in apprehending a felon," and "An act directing the Treasurer to pay Azariah Rood the sum therein mentioned," with an order of reference on each to the Committee on Claims, Whereupon *Resolved* to concur in said several orders of reference.

Petition of Ethan Allen Wheeler, a State prison convict, was taken up and the question "Shall the said Wheeler be discharged from further imprisonment?" being put, was determined in the Negative. Yeas 5. Nays 7. Those persons who voted in the affirmative were Messrs. Bell, Brown, Hammond, Starkweather, & Wardner; those voting in the negative were Messrs. Crawford, Flint, Graves, Green, Harvey, Marsh, & Pettibone. Whereupon said petition was *Ordered* to be dismissed.

The Governor & Council proceeded to the Representatives' room on the adjournment of Joint Committee to elect a Governor, and after balloting several times without effecting a choice, the Committee adjourned & Governor & Council returned to their Chamber.

Petition of Cornelius Truax, a convict in the State Prison, was taken up and the question "Shall the said Cornelius Truax be discharged from further imprisonment?" being put, was determined in the affirmative. Yeas 12. Nays 0. All the members of the Council voting in the affirmative.

Mr. Marsh called up the resolution relating to the election of Judges of the Supreme Court, which was read and the following proposal of amendment offered, to wit, Strike out the word "next" immediately after the word "Tuesday," and insert in lieu thereof the following, *the 20th inst.* Whereupon *Resolved* to concur in passing said resolution as amended. *Ordered* that the Secretary inform the House accordingly. Adjourned to 9 o'clock tomorrow morning.

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THURSDAY Oct<sup>r</sup> 15, 1835. 9 o'clock A. M.

Governor & Council met agreeably to adjournment. Petition of Chester Baker, a convict in the State Prison, was taken up, read, and *Ordered* to be dismissed.

The Governor & Council proceeded to the Representatives' room on adjournment of Joint Committee to elect a Governor, and after balloting repeatedly, and no choice being made, the Committee adjourned, and the Governor & Council returned to their Chamber, and Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—Governor & Council met agreeably to adjournment. The House sent up the following for concurrence in the reference, to wit, "An act to encourage the growing of Silk," with an order of reference thereon to the General Committee. Also "An act directing the Treasurer to pay Geo. W. Webb Jr. the sum therein mentioned," with an order of reference thereon to the Com<sup>t</sup> of Claims. Also "An act to incorporate the White River Manufacturing Company," and "An act to incorporate the Manchester Glass Factory Company," and "An act to incorporate the Colchester Manufacturing Company," with an order of reference on each to the Committee on Manufactures. Also "Petition of Erastus Fairbanks & others praying for the incorporation of a Rail Road Company," and "Petition of the Winooski Turnpike Company for alterations and additions to their charter," "An act in addition to

the several acts relating to highways & bridges," with an order of reference on each to the Committee on Roads & Canals. *Also* "An act in addition to an act directing the mode of obtaining licenses & regulating Inns & houses of public entertainment," "An act in addition to an act entitled 'an act directing the proceedings against trustees of absconding or concealed debtors,'" and "An act concerning Parties in actions at Law," and "An act in addition to & in amendment of an act entitled 'an act for the punishment of certain capital & other high crimes and misdemeanors,'" with an order of reference on each to the Committee on the Judiciary. *Also* "Petition of Thomas Taylor & others praying that in case a tax is assessed on the lands in Elmore, one third part of said tax may be expended on a road leading from Wolcott through the valley on the East branch to Worcester," "An act to revive an act laying a tax on the lands in Canaan," "An act to revive an act laying a tax on Belvidere," with an order of reference on each to the land tax Committee.

*Recd. also* "An act in addition to and alteration of an act entitled an act to incorporate the Vermont Medical Society," with an order of reference thereon to the Committee on Education. *Also* "An act for the encouragement of agriculture," and "An act in addition to an act entitled an act to encourage the destroying of Bears within this State," with an order of reference on each to the Committee on Agriculture. Whereupon *Resolved* to concur in the said several orders of reference. Adjourned to 9 o'clock tomorrow morning.

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FRIDAY Oct<sup>r</sup> 16, 1835. 9 o'clock A. M.

Governor & Council met agreeably to adjournment. Petition of David Gorham of Castleton, praying to be restored to his legal privileges, was taken up, and it was *Resolved* that the prayer of the petitioner be granted.

The Governor & Council proceeded to the Representatives' room on Joint Committee to elect County officers, after which they returned to their Chamber and adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—The Governor & Council met agreeably to adjournment. Petitions of David Gilman, Isaac Stanhope Jr. and Roger Miller, convicts in the State Prison, were taken up, examined, and *Ordered* to be dismissed.

*Recd.* from the House for concurrence in the reference, "An act to preserve fish in Willoughby Lake," with an order of reference thereon to a select committee of four members of the House, to join from Council. *Resolved* to concur & Mr. Starkweather appointed from Council. *Recd. also* "An act to repeal part of an act therein mentioned," with an order of reference thereon to the General Committee. *Also* "Petition of the Selectmen of Mansfield praying that a tax assessed on said town in the year 1831 may be abated," with an order of reference thereon to the Land Tax Committee. *Also* "Petition of Waitstill R. Ranney & others praying that certain parts of the towns of Townshend & Jamaica may be annexed to the town of Acton," and "Petition of Peter R. Taft praying that certain parts of the towns of Townshend & Jamaica may be annexed to the town of Acton," with an order of reference on each to a Select Committee of the members of the House from Windham County, with a request for the Governor & Council to join in said appointment. Whereupon, *Resolved* to concur & Mr. Crawford appointed. *Also* "An act concerning the lands in this State commonly called the Society lands," and "Petition of the town of Weathersfield praying for the en-

acting of laws in relation to the lands in this state granted to the Society for the Propagation of the Gospel in foreign parts," with an order of reference on each to the Judiciary Committee, Whereupon *Resolved* to concur in said several orders of reference.

Rec<sup>d</sup> also "Petition of Starksboro' monthly meeting of Friends praying that the Legislature may take the subject of Intemperance into consideration, and adopt such measures as may be deemed most expedient for the suppression of that evil throughout the limits of this State," with an order of reference thereon to a select committee of four members of the House, to join from Council. Whereupon *Resolved* to concur, and Mr. Green appointed from Council. Also "An act regulating and governing the Militia," with an order of reference thereon to the Committee on Military Affairs. Also "Petition of Abel Gilson Jr. & others praying for the incorporation of the Cavendish Central Manufacturing Company," also "An act to incorporate the Burlington Mill Company," and "Petition of Jabez Proctor & others praying for the incorporation of a Woolen Manufacturing Company at Proctorsville," with an order of reference on each to the Committee on Manufactures.

Rec<sup>d</sup> also "Petition of Leonard Beedle praying for the grant of a ferry at Beedle's point in Shoreham," also "Remonstrance of John S. Larrabee & others against the petition for the grant of a ferry at Beedle's point in Shoreham," with an order of reference on each to the Committee on Roads & Canals. Also "Petition of William Eaton & others of Charlotte praying that the Legislature would instruct our Senators & request our Representatives in Congress to use their endeavors in favor of the abolition of Slavery in the District of Columbia," also "Petition of 420 females of Starksboro' & vicinity praying the Legislature to instruct our Senators & request our Representatives in Congress to use their endeavors in favor of the abolition of Slavery in the District of Columbia," also "Petition of Rowland T. Robinson & others, and of 332 of the Inhabitants of Starksboro' & vicinity, for the same object," with an order of reference on each to a Select Committee of four members of the House, to join from Council, Whereupon *Resolved* to concur in said several orders of reference, and Mr. Starkweather was appointed from Council on the Select Committee.<sup>1</sup>

Rec<sup>d</sup> for concurrence in passing the following resolutions, to wit, "Resolved, the Governor & Council concurring herein, that the Judiciary Committee be instructed to enquire into the expediency of so altering the law relative [to] the laying out of Highways as to authorize the Court, on accepting the report of a road committee, to ascertain the sum which each town should pay, render Judgment for the same, and issue Execution accordingly." Also "Resolved, the Governor & Council concurring herein, that the Judiciary Committee be instructed to enquire into the expediency of passing a law prohibiting any Judge

<sup>1</sup> Although the sentiment of Vermont, naturally and almost universally, was opposed to slavery, yet the credit of the first anti-slavery movement in the State belongs to the Society of Friends. In response to their petitions in 1835, the committee reported a resolution of instructions to the Congressional delegation for the abolition of slavery in the District of Columbia, but the politicians were afraid of it, and it was dismissed—ycas 86, nays 34.—See printed *Assembly Journal* of 1835, pp. 206 and 216. Among those voting against dismissing were David M. Camp, William Hebard, William Henry, and Alvah Sabin, who were afterward prominent anti-slavery Whigs.

of the Supreme Court from acting in said Supreme Court upon any question there arising, by way of exceptions or otherwise, to the decision of such Judge in the County Court." Also "*Resolved*, the Governor & Council concurring herein, that the Com<sup>t</sup> on Roads & Canals be instructed to inquire into the expediency of so altering the laws in relation to highway taxes as to raise the sum of 8 cents on the dollar to be expended & laid out on the highways in lieu of the tax now authorized by law." Whereupon *Resolved* to concur in passing said resolutions. Adjourned to 9 o'clock tomorrow morning.

SATURDAY Oct<sup>r</sup> 17, 1835. 9 o'clock A. M.

Governor & Council met agreeably to adjournment. Petition of Wright Arlin, a convict in the State Prison, was taken up and the question "Shall the said Wright Arlin be discharged from further imprisonment?" being put, it was determined in the affirmative. Yeas 10. Nays 2. Those who voted in the affirmative were Messrs. Bell, Flint, Graves, Green, Hammond, Harvey, Marsh, Pettibone, Starkweather & Wardner. In the negative Messrs. Brown & Crawford.

Petitions of Zachariah Arlin, Chauncey Bissell & Richard Blake, convicts, were taken up & severally *Ordered* to be dismissed.

Petition of Clark Caryl was taken up and the question "Shall the said Clark Caryl be discharged from further imprisonment?" being put, it was determined in the affirmative. Yeas 7. Nays 5. Those who voted in the affirmative were Messrs. Bell, Crawford, Hammond, Marsh, Pettibone, Starkweather & Wardner. Those in the negative were Messrs. Brown, Flint, Graves, Green, & Harvey.

Petitions of John Cronk & Cephas Blanchard, convicts in the State prison, were taken up, and severally *Ordered* to be dismissed.

The Governor & Council proceeded to the Representatives' room on an adjournment of Joint Committee to elect a Governor, and after balloting several times & not effecting a choice, the committee adjourned and the Governor & Council returned to their Chamber.

On motion of Mr. Hammond, *Resolved* that when this Council adjourn, they adjourn to 9 o'clock Monday morning next.

Rec<sup>d</sup> from the House for concurrence in the reference the following, "Petition of the town of Sutton for remuneration for expenses incurred in the support of one Stratton," with an order of reference thereon to the Committee on Claims. Also "An act to repeal an act therein mentioned," with an order of reference thereon to the Land Tax Committee. Also "Petition of Stephen Cummings & others praying for the incorporation of the Black River Reservoir Company," and "Petition of Francis Kidder & others for the incorporation of the Kidder Manufacturing Company," with an order of reference on each to the Committee on Manufactures. Rec<sup>d</sup> also "Petition of Samuel Nutt & others praying for the grant of a ferry across White River in Hartford," and "Remonstrance of the Selectmen & inhabitants of Hartford against the petition of Samuel Nutt for the grant of a ferry across White River in said town." Also "Petition of Ziba Pope & others praying that the town of Lincoln may have power to alter or discontinue a certain road running through s<sup>d</sup> town, laid out by a State Committee in 1802." Also "Petition of the Passumpsic Turnpike Company praying for alterations in their charter," with an order of reference on each to the Committee of Roads & Canals. Also "An act for the relief of Henry Warren," and "Petition of Selectmen of Hancock praying for the remission of a tax assessed on said town in 1807," with an order of reference on each to the Committee of Ways &

Means. *Also* "An act incorporating & establishing a Medical Institution in Woodstock," and "An act to incorporate the Philadelphian Society in Middlebury College," with an order of reference on each to the Committee on Education. Whereupon *Resolved* to concur in said several orders of reference.

Rec<sup>d</sup> *also* "Report of the Committee appointed to examine into the concerns of the Essex County Bank," with an order of reference thereon to a select committee of four members of the House to join from Council, Whereupon *Resolved* to concur, and Mr. Starkweather appointed from Council.

*Also* "Petition of Josiah R. Barnes & others praying that part of the towns of Weathersfield & Springfield & Chester may be annexed to the town of Baltimore," with an order of reference thereon to a Select Committee of all the members of the House from Windham [Windsor] County, with a request to be joined from Council, Whereupon *Resolved* to concur & Mr. Crawford [Mr. Wardner] appointed from Council.

*Also* "Petition of Ebenezer Huntington & others praying that portions of the towns of Townshend & Jamaica may be set off & annexed to the town of Acton in Windham County," and *also* "Remonstrance of Alpheus Kellogg & others against the petition of Ebenezer Huntington & others," with an order of reference on each to a select committee of the members of the House from Windham County, to join from Council, Whereupon *Resolved* to concur & Mr. Crawford appointed from Council.

Rec<sup>d</sup> *also* for concurrence in passing the following resolution, to wit, *Resolved*, the Governor & Council concurring herein, that the Committee on Roads & Canals be instructed to enquire into the expediency of passing a law making highway surveyors accountable & responsible for all liabilities & damages which may occur in consequence of the insufficiency of Highways & Bridges in the several highway districts where and in case their several Highway taxes are not worked out as by law provided," which was read, Whereupon *Resolved* to concur in passing said resolution.

Petition of John Gray, a convict in the State prison, was taken up and the question "Shall the said John Gray be discharged from imprisonment?" having been put, it was determined in the affirmative. Yeas 10. Nays 0. Those who voted in the affirmative were Messrs. Brown, Crawford, Flint, Graves, Green, Hammond, Harvey, Marsh, Pettibone, and Starkweather. Mr. Wardner was excused from voting.

Petitions of John Daggett, Willard Daggett & Abraham Gates, convicts in the State prison, were taken up & severally *Ordered* to be dismissed. Adjourned.

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MONDAY Oct<sup>r</sup> 19, 1835. 9 o'clock A. M.

Governor & Council met agreeably to adjournment. Petitions of Samuel Howard, Peter Thomas, Benjamin P. Starkey, Ozias Silsby, Phineas Spear, Samuel Miles, & John Keyes, convicts in the State prison, were taken up and severally *Ordered* to be dismissed.

Petition of Alexander Townsend, a convict in the State prison, was taken up and the question "Shall the said Alexander Townsend be discharged from further imprisonment?" being put, it was determined in the negative. Yeas 3. Nays 7. Those who voted in the affirmative were Messrs. Flint, Graves & Marsh. Those in the negative were Messrs. Bell, Crawford, Green, Hammond, Harvey, Pettibone and Wardner. Mr. Starkweather was excused from voting.

Petition of Myron Walker, a convict in the State prison, was taken up & the question, "Shall the said Myron Walker be discharged from fur-



ther imprisonment?" having been put, it was determined in the affirmative. Yeas 8. Nays 3. Those who voted in the affirmative were Messrs. Crawford, Flint, Graves, Hammond, Harvey, Pettibone, Starkweather, & Wardner. Those in the negative were Messrs. Bell, Green, & Marsh. Adjourned to 2 o'clock P. M.

2 o'clock P. M.—Governor & Council met agreeably to adjournment. The House sent up for concurrence in the reference the following, to wit, "Report of Committee to settle with Superintendent of State prison" and "Superintendent State Prison Report," and "Documents accompanying Superintendent's Report," with an order of reference thereon to the Committee of Ways & Means, Whereupon *Resolved* to concur in said several orders of reference. Adjourned to 9 o'clock tomorrow morning.

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TUESDAY Oct. 20, 1835. 9 o'clock A. M.

Governor & Council met agreeably to adjournment. Rec<sup>d</sup> from the House for concurrence in passing the following, to wit, "Resolved, the Governor & Council concurring herein, that both Houses meet in joint committee in the Representatives' room on Tuesday next at 3 o'clock P. M. for the purpose of electing a Superintendent of V<sup>t</sup> State Prison, Surveyor General, Auditor of accounts against the State, and Bank Commissioner," which was read, Whereupon: *Resolved* to concur in passing the same. *Ordered* that the Secretary inform the House thereof.

Rec<sup>d</sup> also the following, "Resolved, the Governor & Council concurring herein, that both Houses meet in joint committee in the Representatives' room on Wednesday the 21<sup>st</sup> day of Oct. instant at 2 o'clock P. M. for the purpose of electing a Brigadier General in the 3<sup>d</sup> Brigade, 3<sup>d</sup> Division of the Militia of this State, [to fill the vacancy] occasioned by the resignation of Brig. Gen. Harry Soule; also to elect a Brigadier General in the 1<sup>st</sup> Brigade 3<sup>d</sup> Division of the Militia of this State, to supply the vacancy occasioned by the resignation of Brigadier Gen<sup>l</sup> Everest," which was read, Whereupon *Resolved* to concur in passing said resolution. *Ordered* that the Secretary inform the House of such concurrence.

Rec<sup>d</sup> from the House for concurrence in the reference the following, to wit, "An act to incorporate the Rutland Railroad Bank," with an order of reference to a select committee of four members of the House to join from Council, Whereupon *Resolved* to concur & Mr. Starkweather appointed from Council.

Also "An act in addition to & reviving an act laying a tax on Goshen & Avery's Gores," with an order of reference thereon to the Land Tax Committee. Also "An act authorizing the Selectmen of Stratton in the County of Windham to discontinue two roads therein named," with an order of reference thereon to the Com. on Roads & Canals. Also "An act to incorporate certain persons therein named by the name of the Champlain Marble Manufacturing Company," and "An act to incorporate the Sheldon Manufacturing Company," and also "An act to incorporate the Rockingham Manufacturing Company," and "An act to incorporate the Union Manufacturing Company," and "An act to incorporate the Youngville Manufacturing Company," and "Petition of Geo. B. Chandler & others for the incorporation of the Danville Hydraulic & Manufacturing Company," with an order of reference on each to the Committee on Manufactures. Also "An act to compel Vessels on Lake Champlain to carry lights in the night time," and "Petition of L. B. Fairbanks & others praying for the repeal of the act requiring Pedlers of

American Goods to procure licence," with an order of reference on each to the General Committee. *Also* "An act relating to limited partnerships," and "An act in addition to an act entitled 'an act directing the levying & serving executions,'" and "An act in addition to the several acts defining the powers of Justices of the Peace within this State," and "An act in addition to an act for rendering Connecticut River navigable by Bellows Falls," with an order of reference on each to the Judiciary Committee. *Also* "Petition of Selectmen of Peru praying that a certain sum may be credited said town on the state tax," with an order of reference thereon to the Committee of Claims. *Also* "An act for the relief of the town of Canaan," and [Report of] "Amt. of taxes due, assessed in 1833 & 1834, Sept. 30, 1835" and "Amt. of taxes due, assessed previous to 1833," with an order of reference on each to the Committee of Ways & Means. Whereupon *Resolved* to concur in said several orders of reference. *Recd. also* "An act altering the name of Winchester Loveland to that of Elhanan Winchester Loveland," and "An act altering the name of Alexander Campbell Merrill," *Also* "An act altering the name of John Hawley," with an order of reference on each to a select committee of two members of the House to join from Council, Whereupon *Resolved* to concur in said orders of reference & Mr. Bell appointed from Council.

*Also* "Petition of Augustus Whitney & others praying that the town of Acton may be annexed to Townshend," and "Remonstrance of William Boutelle & others against the petition of Ebenezer Huntington & others," with an order of reference on each to a select committee of the members from Windham County, to join from Council, Whereupon : *Resolved* to concur in said orders of reference and Mr. Crawford appointed from Council.

*Recd. also*, "An act incorporating Literary, Scientific, Charitable & benevolent associations," and "Petition of Edmund Baldwin & others for an alteration of the name of Hinesburgh Academy & for other purposes," and "Petition of Zadock Thompson praying for a law authorizing an appropriation to compensate him in part for his past labors in preparing & publishing his Gazetteer of Vermont, & to enable him to publish a new edition," with an order of reference on each to the Committee on Education. *Also*, "Report of the Secretary of State," and "An act directing the Treasurer to pay E. P. Walton & Son the sum therein mentioned," and "An act directing the Treasurer to pay Knapp & Jewett the sum therein mentioned," and "Account of the Bank Commissioners," with an order of reference to the Committee of Claims. *Also* "An act extending the time & continuing in force for a limited period an act to incorporate the President, Directors & Company of the Bank of Rutland," and "An act relating to taxing Bank Stock," and *also* "An act to authorize Banking incorporations to dissolve and close their corporations," with an order of reference to the Com. on Banks. *Recd. also* "An act for the organization of the Surveyor General's department," with an order of reference thereon to a select committee of four members of the House to join from Council, Whereupon : *Resolved* to concur in said several orders of reference, and Mr. Bell appointed from Council on the select committee.

On motion the vote passed the 14th inst. dismissing the petition of Ethan A. Wheeler, a convict in State prison, was rescinded, and the question "Shall the said Wheeler be discharged from further imprisonment?" being put, was determined in the affirmative. Yeas 9. Nays 3. Those who voted in the affirmative were Messrs. Bell, Brown, Flint, Graves, Hammond, Marsh, Pettibone, Starkweather, & Wardner. Those in the negative were Messrs. Crawford, Green & Harvey.

The Governor & Council proceeded to the Representatives' room on an adjournment of the Joint Committee to elect a Governor for the ensuing year, and after balloting (for) several times without effecting a choice, the Committee adjourned and the Governor & Council returned to their Chamber, and adjourned to 2 o'clock P. M.<sup>1</sup>

2 o'clock P. M.—Governor & Council met agreeably to adjournment. Rec<sup>d</sup> from the House for concurrence in the reference the following, to wit, "An act extending the jurisdiction of Sheriffs in the several Counties bordering on the Lake to the west line of this State," and "An act in addition to an act incorporating the Vermont Mutual Fire Insurance Company," with an order of reference on each to the Judiciary Committee, also "An act to incorporate the Vermont Central Railroad Company," with an order of reference to the Committee on Roads & Canals. Rec<sup>d</sup> also "An act incorporating certain persons therein named by the name of the Boston & Vermont Iron Company," "An act incorporating the Woodstock Manufacturing Company," with an order of reference on each to the Committee on Manufactures, also "An act to revive & alter an act laying a Tax on Glastenbury in the County of Bennington," with an order of reference thereon to the Land Tax Committee. Also "An act directing the Treasurer to pay Harvey Bell the sum therein mentioned," with an order of reference to the Committee on Claims. Also "An act extending the time & continuing in force for a limited period, 'an act to incorporate the President, Directors & Company of the Bank of Montpelier,'" with an order of reference thereon to the Committee on Banks. Also "Petition of the listers & Selectmen of Vernon praying that a part of the State tax against said town may be abated," with an order of reference thereon to the Committee of Ways & Means. Whereupon *Resolved* to concur in said several orders of reference.

Rec<sup>d</sup> also "Petition of Amos Garnsey & others praying that an act may be passed providing that no person shall be deprived of any civil right, or of giving testimony in a Court of Justice, on account of his religious belief," with an order of reference thereon to a select committee of four members of the House, to join from Council, and "An act in relation to the rights of witnesses," with an order [of] reference thereon to the same Committee. Whereupon *Resolved* to concur & Mr. Pettibone was appointed from Council. Also "Resolution relating to the abolition of Slavery in the District of Columbia," with an order [of] reference to the Com<sup>t</sup> on the petition of Rowland T. Robinson & others, Whereupon *Resolved* to concur.

Gov. & Council proceeded to Reps. room to ballot in Joint Com. for Governor, & after repeated ballotings unsuccessfully, they returned to their Chamber and Adjourned to 9 o'clock tomorrow morning.

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WEDNESDAY Oct. 21, 1835. 9 o'clock A. M.

Governor & Council met agreeably to adjournment. Rec<sup>d</sup> from the House for concurrence in the reference the following, to wit, "Petition of J. W. Ellis & others praying for a law providing that no person shall be deprived of any civil right, or of any testimony in a Court of Justice, on account of his religious belief," with an order of reference thereon to the Committee raised on the petition of Amos Garnsey & others, Whereupon *Resolved* to concur in said reference.

Also "Petition of Jabez Smith & others for a land tax on Braintree," and "Remonstrance of Jeremy Stone & others, against a land tax on

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<sup>1</sup> Charles K. Williams and Stephen Royce were elected Judges of the Supreme Court.

Goshen & Harris' Gores," with an order of reference to the Land tax Committee, also "An act relating to the flowing of lands," with an order of reference to the Judiciary Committee, Whereupon *Resolved* to concur in said orders of reference.

Rec<sup>d</sup> from the House the engrossed bill, for revision & concurrence or proposals of amendment, entitled "An act to pay Ziba Wilbur the sum therein mentioned," which was read, Whereupon *Resolved* to concur in passing said bill. *Ordered* that the Secretary inform the House of such concurrence.

Governor & Council proceeded to Representatives' room on an adjournment of Joint Committee to elect a Governor for the year ensuing, and after several unsuccessful ballotings they returned to their Chamber and Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—Governor & Council met agreeably to adjournment. Rec<sup>d</sup> from the House for concurrence in the reference the following, to wit, "An act in addition to the several acts relating to actions of account," with an order of reference to the Judiciary Committee. *Also* "An act establishing a corporation by the name of the Huntington Turnpike Company," with an order of reference thereon to the Committee on Roads & Canals. Rec<sup>d</sup> *also* "An act in addition to an act entitled 'an act ascertaining the principles on which the list of this State shall be made & directing Listers in their office & duty,'" with an order of reference thereon to the General Committee. *Also* "Petition of James Way praying that a sum due from him to the State may be remitted," with an order of reference thereon to the Committee of Ways & Means. *Also* "An act extending the time & continuing in force for a limited period an act to incorporate the President, Directors & Company of the Bank of Caledonia," with an order of reference thereon to the Committee on Banks. Whereupon *Resolved* to concur in said several orders of reference.

Governor & Council proceeded to the Representatives' room on a Joint resolution to elect a Brigadier General [&c.] after which they returned to their Chamber and adjourned to 9 o'clock tomorrow morning.<sup>1</sup>

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THURSDAY Oct. 22<sup>d</sup> 1835. 9 o'clock A. M.

Governor & Council met agreeably to adjournment. Rec<sup>d</sup> from the House for concurrence in the reference the following, to wit, "An act to locate & establish the office of Clerk of the Supreme Court," with an order of reference to the Committee of Ways & Means. *Also* "An act granting to the towns of Worcester & Elmore further time to make a road," and "An act to provide for removing obstructions in Passumpsic & Moose Rivers," with an order of reference to Com<sup>t</sup> on Roads & Canals. *Also* "Remonstrance of James Pierce & others against the petition of the Selectmen of Ripton," and "An act appropriating the Minister rights of land in the town of Ripton to the use of Schools," with an order of reference thereon to the Judiciary Committee. *Also* "An act to repeal a certain statute law in relation to tipping & Intemperance," and "An act to repeal the act to encourage the destruction of foxes within this State," and *also* "An act annexing the town of Woodbury to the County of Washington and for other purposes," with an

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<sup>1</sup> The following elections were made : John Nason and Chauncey Cook, Brigadier Generals ; Samuel S. Phelps, Jacob Collamer and Isaac F. Redfield, Assistant Justices of the Supreme Court.

order of reference on each to the General Committee. Whereupon *Resolved* to concur in said several orders of reference.

Rec<sup>d</sup> from the House, for revision & concurrence or proposals of amendment, the following engrossed bill entitled "An act compensating the Superintendent of the Vermont State Prison," which was read, Whereupon *Resolved* to concur in passing said bill. *Ordered* that the Secretary inform the House of such concurrence.

"Petition of John Stewart, praying to be restored to his legal privileges," was taken up and the question "Shall the prayer of the petitioner be gran'ed?" being put, it was determined in the negative. Yeas 3. Nays 7. Those who voted in the affirmative were Messrs. Brown, Harvey & Marsh. Those in the negative were Messrs. Bell, Crawford, Flint, Graves, Green, Pettibone & Wardner.

On motion Mr. Pettibone was discharged from further action on the select committee [on petition] of Amos Garnsey & Mr. Bell was appointed.

Rec<sup>d</sup> for revision & an engrossed bill entitled "An act to repeal an [act] entitled 'an act to preserve the pickerel in Lake Memphremagog,'" read, Whereupon *Resolved* to concur in passing said bill. *Ordered* that the Secretary inform the House accordingly. Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—Governor & Council met agreeably to adjournment. The House sent up for concurrence in the reference the following, to wit, "An act repealing an act therein mentioned and each and every act supplementary to the same," with an order of reference thereon to the Committee on Military Affairs. *Also* "An act in addition to an act entitled an act laying duties on licenses to hawkers & pedlars," with an order of reference thereon to the Committee of Ways & Means. *Also* "An act in addition to an act entitled an act reducing into one the several acts for laying out, making, repairing and clearing highways," with an order of reference thereon to the Committee on Roads & Canals. Whereupon *Resolved* to concur in said several orders of reference.

Rec<sup>d</sup> also for concurrence in passing the following resolution, "Resolved, the Governor & Council concurring herein, that the Committee on Roads & Canals be instructed to inquire into the expediency of having all or part of the annual highway tax paid in money. Whereupon *Resolved* to concur in passing.

*Also* "An act to incorporate the Boston & Troy Iron Company," with an order of reference thereon to the Com<sup>t</sup> on Manufactures. [Concurred in the reference.] Adjourned to 9 o'clock tomorrow morning.

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FRIDAY, Oct. 23<sup>d</sup>, 1835. 9 o'clock A. M.

The Governor & Council met agreeably to adjournment. Messrs. Marsh & Green had leave of absence till Monday morning next. Mr. Starkweather had leave of absence till Wednesday morning next.

Rec<sup>d</sup> from the House for concurrence in the reference the following, to wit, "An act directing the Treasurer to pay Joel Doolittle the sum therein mentioned," with an order of reference thereon to the Committee of Claims, Whereupon *Resolved* to concur in said order of reference.

Rec<sup>d</sup> from the House for revision & an engrossed bill entitled "An act directing the Treasurer to pay the town of Peru the sum therein mentioned," read, Whereupon *Resolved* to concur in passing said bill. *Also* "An act to establish the Jurisdictional line between the towns of Peru & Landgrove," read, Whereupon *Resolved* to concur in passing said bill. *Also* "An act repealing an act therein mentioned," which was

read, Whereupon: *Resolved* to concur in passing said bill. *Ordered* that the Secretary inform the House in the above cases.

Rec<sup>d</sup>. also for revision, concurrence &c an engrossed bill entitled "An act to repeal a certain act therein mentioned," which was read, Whereupon *Resolved* to concur in passing said bill. *Ordered* that the Secretary inform the House accordingly.

The Governor & Council proceeded to the Representatives' room on an adjournment of Joint Committee to elect a Governor, and after several ineffectual ballotings the Joint Committee adjourned and the Governor & Council returned to their chamber and adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—Governor & Council met pursuant to adjournment. The House sent up for concurrence in the reference the following, to wit, "An act to abolish imprisonment for debt," with an order of reference to the Committee on Insolvency. *Also* "An act altering the time of holding the Supreme Court in Chittenden County," with an order of reference to the Judiciary Committee. *Also* "An act to incorporate the Middlebury Manufacturing Company," with an order of reference thereon to the Committee on Manufactures. *Also* "An act directing the Treasurer to pay Amos Thomson the sum therein mentioned," and "An act directing the Treasurer to pay Warren Bliss the sum therein mentioned," with an order of reference on each to the Committee on Claims. Whereupon *Resolved* to concur in said several orders of reference.

Rec<sup>d</sup>. for concurrence in passing the following resolution, "Resolved, the Governor & Council concurring herein, that the two Houses meet in Joint Committee, in the Representatives' room, on Tuesday next at 10 o'clock A. M. for the purpose of electing a Bank Inspector, three commissioners of the deaf & dumb and an Agent to settle the concerns of the Vermont State Bank," read, Whereupon *Resolved* to concur in passing said resolution. *Ordered* that the Secretary inform the House thereof.

Petition of John Blake, a prisoner confined in the common jail, at Woodstock, County of Windsor, praying to be discharged from imprisonment & that his fine & costs may be remitted, was taken up & the question "Shall the said John Blake be discharged from imprisonment & his fine & costs be remitted?" having been put, it was determined in the affirmative. Yeas 10. Nays 0. Those who voted in the affirmative were Messrs. Bell, Brown, Crawford, Flint, Graves, Hammond, Harvey, Pettibone, Starkweather and Wardner.

On motion *Resolved* to rescind the vote dismissing the petition of Alexander Townsend, a convict in the State prison, and the question "Shall the said Alexander Townsend be discharged from further imprisonment?" it was determined in the affirmative. Yeas 10. Nays 0. Those who voted in the affirmative were Messrs. Bell, Brown, Crawford, Flint, Graves, Hammond, Harvey, Pettibone, Starkweather & Wardner. Adjourned to 9 o'clock tomorrow morning.

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SATURDAY Oct<sup>r</sup> 24, 1835. 9 o'clock A. M.

Governor & Council met agreeably to adjournment. Rec<sup>d</sup>. from the House for revision & concurrence &c an engrossed bill entitled "An act incorporating and establishing a Medical Institution in Woodstock," which was read, Whereupon *Resolved* to concur in passing said bill. *Ordered* that the Secretary inform the House.

Rec<sup>d</sup>. also for concurrence in the reference the following, "Petition of Daniel Warner praying for remuneration for expenses incurred in ap-

prehending a felon," with an order of reference thereon to the Committee of Claims. *Also* "Petition of the Selectmen of the town of Woodbury, praying for a land tax on said town," with an order of reference thereon to the [Land Tax] Committee. *Also* "An act in addition to an act & in alteration of an act entitled 'an act directing the proceedings against the trustees of concealed or absconding debtors,' passed Oct<sup>r</sup>. 31, 1797," with an order of reference thereon to the Committee on Insolvency. *Rec<sup>d</sup> also* "Report of Superintendent of State House," with an order of reference thereon to the Committee of Ways & Means. *Also* "Report of Commissioners relative to the proceedings for removal of obstructions at the outlet of Lake Memphremagog," with an order of reference to the Committee of Ways & Means. Whereupon *Resolved* to concur in said several orders of reference.

The Governor & Council proceeded to Representatives' room on an adjournment of Joint Committee to appoint County officers, after which they returned to their chamber and Adjourned to Monday next 9 o'clock A. M.

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MONDAY Oct. 26, 1835. 9 o'clock A. M.

The Governor & Council met agreeably to adjournment and Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—Governor & Council met pursuant to adjournment. *Rec<sup>d</sup>* from the House for concurrence in the reference the following, to wit, "An act respecting the admission of freemen," and "An act to promote & encourage agriculture," and "An act for the preservation of Fish in the waters in the town of Brookfield," and "An act in addition to an act relating to weights & measures passed 8<sup>th</sup>. March 1797," and "An act in addition to an act incorporating the village of Brattleboro." *Rec<sup>d</sup> also* "An act annexing a part of the town of Highgate to the town of Swanton," and "An act entitled an act in addition to an act defining what shall be deemed and adjudged legal settlement, and for the support of the poor, designating the duties of the overseers of the poor & for the punishment of idle & disorderly persons, passed March 3, 1797, and of each & every act supplementary thereto," with an order of reference on each to the General Committee. *Rec<sup>d</sup> also* "An act to preserve fish in certain waters in the town of Craftsbury in the County of Orleans," with an order of reference thereon to the Select committee raised on the Bill to preserve fish in Willoughby Lake, *also* "An act to incorporate the Rutland & Middlebury Rail Road Company" and "An act in addition to an act entitled an act in addition to an act reducing into one the several acts for laying out, making, repairing & clearing highways," and "An act in addition to an act directing petitions for ferries, turnpikes, roads, canals and rail roads to be published, passed Oct. 29, 1829," with an order of reference on each to the Committee on Roads & Canals. *Also* "An act to incorporate the Village Falls Manufacturing Company," with an order of reference thereon to the Committee on Manufactures. *Also* "An act incorporating Aqueduct associations within this State & giving them certain privileges," and "An act relating to interest," and "An act incorporating the Inhabitants of the centre Village in Springfield for the purposes therein mentioned," with an order of reference on each to the Judiciary Committee. Whereupon *Resolved* to concur in said several orders of reference. Adjourned to 9 o'clock tomorrow morning.

TUESDAY Oct<sup>r</sup> 27, 1835. 9 o'clock A. M.

The Governor & Council met agreeably to adjournment. Rec<sup>d</sup> from the House for concurrence in the reference the following, to wit, "An act in addition to an act entitled an act constituting the Supreme Court of Judicature & County Courts, defining their powers & regulating judicial proceedings," with an order of reference thereon to the Judiciary Committee. Also "Petition of Proprietors of Lyman's Bridge praying for the privilege of holding certain real estate," with an order of reference thereon to the Committee on Roads & Canals. Also "An act to revive an act laying a tax on Canaan," with an order of reference thereon to the Committee on Land Taxes. Also "A resolution for the appointment by the House of a Committee of three to examine into the situation of the grant of the town of Wheelock to Moor's Charity School," with an order of reference to the Judiciary Committee. Whereupon, *Resolved* to concur in said several orders of reference.

Rec<sup>d</sup> from the House for revision & concurrence &<sup>c</sup> engrossed bills of the following titles, "An act altering the name of Charlotte Miranda Gully," which was read, Whereupon, *Resolved* to concur in passing said bill. "An act altering the terms of the County Court in the County of Grand Isle," which was read, whereupon *Resolved* to concur in passing said bill. "An act directing the Treasurer to pay Knapp & Jewett the sum therein mentioned," read, Whereupon *Resolved* to concur in passing said bill. *Ordered* that the Secretary inform the House of the concurrence in the cases above.

Petition of Henry Warren of Woodstock, praying for the remission of a fine imposed by Windsor County Court for assault & battery on one Hiram Benson, was taken up and the question "Shall the prayer of the petitioner be granted?" being put, it was determined in the affirmative. Yeas 9. Nays 0. Those who voted in the affirmative were Messrs. Bell, Brown, Crawford, Flint, Graves, Hammond, Harvey, Pettibone & Wardner.

The Governor & Council proceeded to representatives' room on joint resolution to elect Bank Inspector, Commissioners of Deaf & Dumb &<sup>c</sup> after which they returned to their chamber and Adjourned to 2 o'clock P. M.<sup>1</sup>

2 O'CLOCK P. M.—The Governor & Council met agreeably to adjournment. The House sent up for revision &<sup>c</sup> two engrossed bills of the following titles, "An act in addition to the several acts relating to Highways & Bridges," which was read, Whereupon *Resolved* to concur in passing said bill. Also "An act altering the times for holding the County Courts in the County of Bennington," read, whereupon, *Resolved* to concur in passing said bill. *Ordered* that the Secretary inform the House in both the above cases.

Rec<sup>d</sup> for concurrence in the reference the following, to wit, "An act directing the Treasurer to pay Geo. W. Webb Jr., the sum therein mentioned," with an order of reference to the Com<sup>t</sup> on Military Affairs, Whereupon *Resolved* to concur in said order of reference.

*Resolved* that a Committee of three members of this Council be appointed to take into consideration the situation of the State Library and report rules governing the same. Messrs. Brown, Bell, & Harvey were appointed said Committee. Adjourned to 9 o'clock to-morrow A. M.

<sup>1</sup> The following elections were made: John S. Pettibone, Bank Inspector; John Smith of St. Albans, Thomas D. Hammond, and Allen Wardner, Commissioners of Deaf & Dumb; and Milton Brown, Agent to settle the concerns of the Vermont State Bank.



WEDNESDAY, Oct<sup>r</sup> 28, 1835. 9 o'clock A. M.

Governor & Council met agreeably to adjournment. On motion of Mr. Brown *Resolved* to reconsider the vote of the 22<sup>d</sup> inst. concurring in the reference to the General Committee of the bill entitled "An act annexing the town of Woodbury to the County of Washington and for other purposes," Whereupon *Resolved* to non-concur in said reference.

Rec<sup>d</sup>. from the House for concurrence in the reference the following, to wit, "An act in addition to an act entitled 'an act directing levying and serving Executions,'" and "An act in addition to an act directing proceedings against the trustees of absconding or concealed debtors," and *also* "An act in addition to an act entitled an act constituting the Supreme Court of Judicature, defining their powers and regulating judicial proceedings," with an order of reference on each to the Judiciary Committee. *Also* "Petition of Alden Partridge, President of Norwich University, praying for the loan of one hundred and fifty stands of arms," with an order of reference thereon to the Committee on Education. *Also* "An act for dividing the funds arising from the Grammar School lands in the County of Orleans," and "An act in addition to an act confirming a grammar school in the County of Rutland, passed Oct<sup>r</sup> 29, 1805," and "An act in addition to an act entitled 'an act for the support of schools,'" with an order of reference on each to the Committee on Education. *Also* "Petition of W<sup>m</sup> Wallace praying for remuneration for monies expended in apprehending a felon," with an order of reference thereon to the Committee of Claims. *Also* "An act to alter the name of Mary Minerva McNeal," with an order of reference thereon to the Committee raised on the petition of Winchester Loveland. *Also* "An act for the encouragement of Agriculture," with an order of reference to the Committee on Agriculture. Whereupon *Resolved* to concur in said several orders of reference.

The Governor & Council proceeded to the Representatives' room on an adjournment of the Joint Committee to elect a Governor for the ensuing year, and after several ballotings without effecting a choice the Committee adjourned and the Governor & Council returned to their Chamber and Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—The Governor & Council met agreeably to adjournment. Petition of Lewis Carpenter, a prisoner now confined in the common Jail in Windham County, praying for remission of fine & costs & for discharge from imprisonment, was taken up and the question "Shall the prayer of said petitioner be granted?" [being put,] it was determined in the affirmative. Yeas 8. Nays 4. Those who voted in the affirmative were Messrs. Bell, Graves, Green, Hammond, Harvey, Marsh, Pettibone & Starkweather. Those who voted in the negative were Messrs. Brown, Crawford, Flint & Wardner. Adjourned to 9 o'clock tomorrow A. M.

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THURSDAY Oct<sup>r</sup> 29, 1835. 9 o'clock A. M.

The Governor & Council met agreeably to adjournment. Rec<sup>d</sup>. from the House for concurrence in the reference the following, to wit, "An act directing the Treasurer to pay T. [Col. Truman] B. Ransom the sum therein mentioned," with an order of reference thereon to the Committee of Claims. *Also* "An act for the encouragement of Iron Manufactures," with an order of reference thereon to the Committee on Manufactures, and "An act in addition to an act directing the levying & serving executions," with an order of reference thereon to the Committee on the Judiciary, *also* "An act in addition to an act entitled an act ascertaining

the principles on which the list of this State shall be made & directing lists in their office & duty," with an order of reference thereon to the General Committee. *Also* "An act to incorporate the Swanton Manufacturing Company," with an order of reference thereon to the Com<sup>t</sup> on Manufactures. *Also* "An act to incorporate the President, Directors & Company of the Bank of Bradford," with an order of reference thereon to the Committee on Banks. *Also* "An act for the relief of Jesse Whitney," with an order of reference thereon to the Committee of Ways & Means. *Also* "Petition of Selectmen of Woodbury praying for a land tax on said town," with an order of reference to the Committee on Land Taxes. Whereupon *Resolved* to concur in said several orders of reference.

Rec<sup>d</sup> from the House for concurrence in passing &c the following engrossed bills, entitled "An act in addition to an act entitled 'an act to incorporate Goshen Turnpike Company,'" which was read, Whereupon *Resolved* to concur in passing said bill. *Also* "An act in addition to and reviving an act laying a tax on Goshen & Harris' Gores," which was read, Whereupon *Resolved* to concur in passing said bill. *Also* "An act directing the Treasurer to pay Daniel Brown the sum therein mentioned," which was read, Whereupon *Resolved* to concur in passing said bill. *Also* "An act to revive an act laying a tax on the lands in Canaan," which was read, Whereupon *Resolved* to concur in passing said bill. *Also* "An act in addition to an act entitled 'an act directing the levying and serving executions,'" read, Whereupon *Resolved* to concur in passing said bill with the following proposals of amendment, Strike out of the 4<sup>th</sup> & 5<sup>th</sup> lines of the first section the words "or as long as grass grows, water runs, or the sun shines," and insert in lieu thereof the words *to have and to hold the same perpetually, or so long as the lessee, his heirs or assigns, shall perform the services or render the rents reserved.* And strike out from the 10<sup>th</sup> line of the 2<sup>d</sup> section the words "an undivided part of such rent" and insert in lieu thereof the words *such undivided part of such rent as shall be equal to such annual interest*; and strike out from the 21<sup>st</sup> & 22<sup>d</sup> lines of the 2<sup>d</sup> section the words "respects such" & insert in lieu thereof the words *cases arising under this act & the*; & adding after the words "creditor or creditors," in the 22<sup>d</sup> line, the words *his, her or their legal representatives or assigns*; and inserting after the words "non payment of rent," in the 22<sup>d</sup> line, the words *after demand as aforesaid.* *Ordered* that the Secretary inform the House in the above five cases. Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—The Governor & Council met pursuant to adjournment. Rec<sup>d</sup> from the House for concurrence in the reference the following, to wit, "Report of Committee appointed to revise the Militia Laws," with an order of reference thereon to the Com<sup>t</sup> on Military Affairs. *Also* "An act to incorporate the Winooski Block Manufacturing

<sup>1</sup> For this report see printed *Journal of the Assembly* for 1835, pp. 57-60. The revision and report were the work of TRUMAN B. RANSOM, who was for some time President of Norwich University, and afterward Maj. General of Vermont Militia, Major of the 9th U. S. Infantry Feb. 16 1847, and Colonel of the same regiment March 16 1847. He was killed, Sept. 13 1847, at the head of his regiment, when storming Chapultepec, near the city of Mexico. Two of his sons were on the Union side in the war of the rebellion, and each of them won a General's rank. Brig. Gen. T. E. G. Ransom died Oct. 28, 1864, while commanding the 17th corps in Sherman's "march to the sea." Gen. Sherman described

Company," with an order of reference thereon to the Committee on Manufactures. Also "An act to preserve fish in the waters in the town of Williamstown," with an order of reference thereon to the General Committee. Whereupon *Resolved* to concur in said several orders of reference.

Rec<sup>d</sup> also for concurrence in passing the following resolution, "Resolved, the Governor & Council concurring herein, that the agent appointed to settle the concerns of the Vermont State Bank be and he hereby is authorized to sell at public auction all the land to which the State of Vermont have derived a title through said Bank, & which may remain unsold on the first day of January next, provided said Agent be of opinion that such sales will be for the interests of the State." Read, Whereupon *Resolved* to concur in passing said resolution. *Ordered* that the Secretary inform the House accordingly.

Rec<sup>d</sup> from the House for revision & engrossed bills of the following titles, "An act authorizing the holding of a meeting of Hubbardton Turnpike Company," read, Whereupon, *Resolved* to concur in passing said bill. Also "An act directing the Treasurer to pay E. P. Walton & Son the sum therein mentioned," read, Whereupon *Resolved* to concur in passing said bill. *Ordered* that the Secretary inform the House in both the above cases. Adjourned to 9 o'clock tomorrow morning.

FRIDAY Oct. 30, 1835. 9 o'clock A. M.

The Governor & Council met agreeably to adjournment. The House sent up for concurrence in the reference the following, to wit, "An act annexing part of the towns of St. Johnsbury, Waterford & Concord to the town of Kirby," with an order of reference thereon to a select committee of three members of the House, to join from Council, Whereupon *Resolved* to concur in such reference & Mr. Harvey appointed from Council, and "An act ascertaining the principles on which the list of this State shall be made & directing listers in their duty," with an order of reference to the General Committee. Also "A resolution instructing the Judiciary Com<sup>t</sup> to inquire into the expediency of passing an act in addition to the several acts relative to attachments and the levying of Executions," with an order of reference to the Judiciary Committee. Whereupon *Resolved* to concur in said orders of reference.

Rec<sup>d</sup> also, "Resolved, the Governor & Council concurring herein, that the Committee of Ways & Means be instructed to report a bill providing for the distribution of the 2<sup>d</sup> Volume of the laws of Vermont," which was read, Whereupon *Resolved* to concur in passing same.

Rec<sup>d</sup> also, Remonstrance of Jonathan Leach & others against the bill entitled "An act annexing part of the towns of St. Johnsbury, Waterford & Concord to Kirby," with an order of reference thereon to a select committee of three members of the House to join from Council, Whereupon *Resolved* to concur & Mr. Harvey appointed from Council.

Rec<sup>d</sup> for revision or concurrence & an engrossed bill entitled "An act in addition to the several acts relating to actions of account," which was read, Whereupon *Resolved* to concur in passing said bill with the

him as "a young, most gallant, and promising officer."—See *Memoirs of Gen. W. T. Sherman*, Vol. II, p. 161. For portrait, see *Harpers' History of the Great Rebellion*, p. 587. A full length portrait of Col. Truman B. Ransom has, during the present year, 1879-80, been presented to the State of Vermont.

following proposal of amendment, to wit, Strike out from the 6<sup>th</sup> line of 1<sup>st</sup> section the words "verbally or in writing." *Ordered* that the Secretary inform the House accordingly.

Gov. & Council proceeded to Representatives' room to elect in Joint Com<sup>t</sup> a Governor & after several ineffectual ballotings returned to their chamber and Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—Governor & Council met agreeably to adjournment. Rec<sup>d</sup>. from the House for concurrence in the reference "An act in addition to an act incorporating the Village of Montpelier," with an order of reference thereon to the Judiciary Committee. *Also* "Petition of Isaac Doolittle & others for a County Poor House," with an order of reference thereon to a Committee of the members of the House from Bennington County to join from Council. Whereupon *Resolved* to concur in said several orders of reference and Mr. Pettibone appointed from Council on the last.

The Governor & Council proceeded to Representatives' room on an adjournment of Joint Committee to ballot for Governor, & after balloting unsuccessfully several times returned to their Chamber and Adjourned to 9 o'clock tomorrow A. M.

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SATURDAY Oct. 31, 1835. 9 o'clock A. M.

Governor & Council met agreeably to adjournment. Rec<sup>d</sup>. from House for concurrence in the reference "An act to revive an act laying a tax on lands in Searsburgh," with an order of reference thereon to the Land Tax Committee, Whereupon *Resolved* to concur in said order of reference. Rec<sup>d</sup>. *also* "An act in addition to an act relating to weights & measures, passed 8<sup>th</sup> of March 1797," with an order of reference thereon to a select Committee of three members of the House, to join from Council, Whereupon *Resolved* to concur & Mr. Wardner appointed.

Rec<sup>d</sup>. for revision &c an engrossed bill entitled "An act directing the Treasurer to pay Timothy Merrill and Dan<sup>l</sup> P. Thompson the sum therein mentioned," which was read, Whereupon *Resolved* to concur in passing said bill. *Ordered* that the Secretary inform the House &c. Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—The Governor & Council met agreeably to adjournment and Adjourned to 9 o'clock Monday morning next.

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MONDAY Nov. 2<sup>d</sup> 1835. 9 o'clock A. M.

The Governor & Council met &c. Rec<sup>d</sup>. from the House "Report of the Committee of Ways & Means on the petition of the town of Hancock," with the following resolution, to wit, "Resolved, the Governor & Council concurring herein, that the Treasurer of the State be and he hereby is authorized to settle & arrange on such terms as he may think proper & equitable, all claims for Taxes due previous to the year 1830," which was read, Whereupon *Resolved* to concur in passing said resolution. *Ordered* that the Secretary inform the House accordingly.

Rec<sup>d</sup>. from the House for concurrence in the reference "An act for the relief of Lewis Tucker, and to pay him a sum therein mentioned," with an order of reference thereon to a select committee of two members of the House to join from Council, Whereupon *Resolved* to concur & Mr. Hammond appointed. Rec<sup>d</sup>. *also* "An act relating to the duty of Bank Committee or Bank Inspector," with an order of reference thereon to the Committee on Banks. *Also* "An act in addition to an act incorporating the Village of Montpelier," with an order of recommitment

thereon to the Judiciary Committee. *Also* "An act to provide for the establishment of County Poor Houses," with an order of reference thereon to the General Committee. Whereupon *Resolved* to concur in *sd.* several orders of reference. *Recd.* *also* "An act to incorporate the Bellows Falls Manufacturing Company," with an order of reference thereon to the Committee on Manufactures. Whereupon *Resolved* to concur in said order of reference.

*Recd.* for revision &c. an engrossed bill entitled "An act granting to the towns of Worcester & Elmore further time to make a road," which was read, Whereupon *Resolved* to concur in passing said bill. *Ordered* that the Secretary inform the House accordingly.

*Also* an engrossed bill entitled "An act for the relief of Daniel Warner," read, Whereupon *Resolved not* to concur in passing said bill, and Mr. Bell appointed to report the reasons of the Gov. & Council therefor.

*Recd.* for concurrence in passing the following resolution, to wit, "Resolved, the Governor & Council concurring herein, that George T. Hodges of Rutland & Horace L. Nichols of Williston be and hereby are [appointed] a Committee to attend at the State Prison in the month of September next to make an appraisal & inventory of all the property belonging to said prison, and also to settle with the Superintendent and investigate all the accounts of said prison, & report to the next session of the Legislature," which was read, Whereupon *Resolved* to concur in passing said resolution. *Ordered* that the Secretary inform the House accordingly.

*Also* an engrossed bill entitled "An act appointing a Committee to establish a Bridge across Quechee River," which was read, Whereupon *Resolved* to concur in passing said bill. *Ordered* that the Secretary inform the House &c. Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—Governor & Council met agreeably to adjournment. *Recd.* the following for concurrence in the reference from the House of Representatives, "Bank Inspector's Report," with an order of reference thereon to the Committee on Banks. *Also* "An act for the distribution of the 6<sup>th</sup> Volume of the Reports of the Supreme Court," and "An act incorporating the Inhabitants of the Centre Village in Springfield for the purposes therein mentioned," with an order of reference on each to the Judiciary Committee. *Also* "Resolution relating to Poor Houses," and "An act in addition to an act therein mentioned," with an order of reference on each to the General Committee. *Also* "An act to revive an act to incorporate the Onion River Towpath Company," with an order of reference thereon to the Committee on Roads & Canals. Whereupon *Resolved* to concur in said several orders of reference.

*Recd.* from the House for revision &c. the following engrossed bills, to wit, "An act directing the Treasurer to pay Joel Doolittle the sum therein mentioned," read, Whereupon *Resolved* to concur in passing said bill. *Also* "An act for the preservation of fish in the waters in the town of Brookfield," read, Whereupon *Resolved* to concur in passing said bill. *Also* "An act laying a tax on the lands in Kirby in Caledonia County," which was read, Whereupon *Resolved* to concur in passing said Bill. *Also* "An act altering the term of the Supreme Court in the County of Chittenden," which was read, Whereupon *Resolved* to concur in passing said Bill. *Also* "An act altering the time of holding the County Court in the County of Rutland," which was read, Whereupon *Resolved* to concur in passing said bill. *Also* "An act in addition to an act directing petitions for ferries, turnpikes, roads, canals & rail roads to be published, passed Oct<sup>r</sup> 29, 1829," which was read, Whereupon *Resolved* to concur in passing said Bill. *Also* "An act directing the Treasurer to pay the Bank Commissioners the sum therein mentioned," which was

read, Whereupon *Resolved* to concur in passing said bill. Also "An act directing the treasurer to pay T. B. Ransom the sum therein mentioned," which was read, Whereupon *Resolved* to concur in passing said bill. Also "An act to preserve fish in certain waters in the town of Craftsbury in the County of Orleans," which was read, Whereupon *Resolved* to concur in passing said bill. Also "An act to preserve fish in Wiloughby Lake," which was read, Whereupon *Resolved* to concur in passing said bill. *Ordered* that the Secretary inform the House of concurrence of the Governor & Council in the foregoing *ten* cases.

Governor & Council proceeded to Representatives' room on an adjournment of Joint Committee to elect a Governor for the ensuing year, and after balloting twice and no choice being made, the Committee *dissolved*, and the Governor & Council returned to their Chamber and adjourned to 9 o'clock tomorrow.

#### TUESDAY, Nov. 3<sup>d</sup>, 1835.

[Governor & Council met agreeably to adjournment.] Rec<sup>d</sup> from the House for concurrence in the reference the following, to wit, "An act fixing the place of holding Courts in the County of Addison," with an order of reference thereon to a select com. of the members of the House from Addison County to join from Council, Whereupon *Resolved* to concur in said order of reference, & Mr. Bell appointed. Also "An act to incorporate the Adelphi Union Society for the Burr Seminary," with an order of reference thereon to the Com<sup>t</sup> on Education. Also "An act to amend and reduce into one act the several acts relating to the corporation of the City of Vergennes," with an order of reference thereon to the Judiciary Committee. Whereupon *Resolved* to concur in said several orders of reference.

Rec<sup>d</sup> from the House engrossed bills of the following titles for revision &c. "An act in addition to an act reducing into one the several acts for laying out, making & clearing Highways," which was read, Whereupon *Resolved* to concur in passing said bill. Also "An act in addition to an act entitled 'an act reducing into one the several acts for laying out, making, repairing, & clearing Highways,' which was read, Whereupon *Resolved* to concur in passing said bill. Also "An act in addition to an act incorporating the Woodstock Manufacturing Company, passed Nov. 6, 1834," which was read, Whereupon *Resolved* to concur in passing said bill. Also "An act to revive an act laying a tax on the lands in Belvidere," which was read, Whereupon *Resolved* to concur in passing said bill. *Ordered* that the Secretary inform in the four above cases.

Also "An act annexing a part of the town of Highgate to the town of Swanton," which was read, Whereupon *Resolved not* to concur in passing said bill, and Mr. Pettibone app<sup>d</sup> to report the reasons therefor.

Also "An act to revive & amend an act entitled 'an act incorporating the village of Brattleboro,' which was read, Whereupon *Resolved* to concur & Sec. *ordered* to inform &c. Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—Governor & Council met &c. The House sent the following engrossed bills for revision &c. to wit, "An act incorporating Aqueduct Associations within this State and giving them certain powers & privileges," read, Whereupon *Resolved* to concur in passing said bill. Also "An act for the relief of the town of Newark," which was read, Whereupon *Resolved* to concur in passing said bill. Also "An act in addition to an act confirming a Grammar School in the County of Rutland, passed Oct<sup>r</sup> 29, 1805," read, Whereupon, *Resolved* to concur in passing said bill. Also "An act requiring vessels on Lake Champlain to

carry lights in the night time," which was read, Whereupon *Resolved* to concur in passing said bill. *Also* "An act directing the Treasurer to pay Isaac F. Redfield & others the sums therein named," read, Whereupon *Resolved* to concur in passing said bill. *Also* "An act to alter the name of John Hawley," read, Whereupon *Resolved* to concur in passing said bill. *Also* "An act for the relief of Jesse Whitney," which was read, Whereupon *Resolved* to concur in passing said bill. *Also* "An act altering the name of Alexander Campbell Merrill to that of Alexander Latrimouille Merrill," read, Whereupon *Resolved* to concur in passing said bill. *Also* "An act in addition to an act directing proceedings against the Trustees of concealed or absconding debtors," which was read, Whereupon *Resolved*, to concur in passing said bill. *Also* "An act altering the name of Winchester Loveland to Elhanan Winchester Loveland," which was read, Whereupon *Resolved* to concur in passing said bill. *Also* "An act repealing and altering a part of an act constituting a new county by the name of Lamoille," read, Whereupon *Resolved* to concur in passing said bill. *Also* "An act describing the limits & boundaries of the County of Grand Isle," which was read, Whereupon *Resolved* to concur in passing said bill. *Ordered* that the Secretary inform the House in the twelve above cases. Adjourned to 9 o'clock tomorrow morning.

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WEDNESDAY Nov. 4, 1835. 9 o'clock A. M.

The Governor & Council met agreeably to adjournment. Rec<sup>d</sup> a communication from the House of Representatives by Mr. Haswell, one of its members, announcing to the Governor & Council the decease of John C. Page, Esquire, late a member of the House, and requesting the Governor & Council to join in the funeral solemnities. *Ordered* that the Secretary inform the House that the Governor & Council will immediately join the House in the Representatives' room for the purpose of attending the obsequies of the late John C. Page Esqr.<sup>1</sup> The Governor & Council attended the funeral procession of the late John C. Page, after which they returned to their chamber, and proceeded to Representatives' room on an adjournment of Joint Committee to elect county officers, after which they returned to their chamber and the House sent up the following engrossed bill for revision &c. entitled "An act concerning parties in actions at law," which was read, Whereupon *Resolved* to concur in passing said bill. *Ordered* that the Secretary inform the House accordingly.

Mr. Bell, who had been appointed to report the reasons for non [con]curring in the engrossed bill entitled "An act for the relief of Daniel Warner," presented the following to wit, "In 1829 the Legislature passed an act empowering the County Courts to allow & tax, in their discretion, any such reasonable sum as they might deem proper for *pursuing, detaining & transporting* felons who might afterwards be convicted. The rules of compensation adopted by the Legislature in that act, we apprehend, are sufficiently broad to include *every* case where the services of our citizens are necessary to the due administration of Justice. If we go beyond this law, claims against the State will multiply without end. Exceptions may be admitted, but they should be of an extraordinary character, of which this claim does not partake. Under the statute alluded [to,] legal costs, to a large amount, have already been allowed

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<sup>1</sup> Mr. Page was the first representative of Westmore, in 1833, and was re-elected in 1834 and 1835.

in this case, leaving very inadequate grounds for a claim either upon the *Justice* or the *Generosity* of the State.

H. BELL, for Gov. & Council."

*Ordered* that the Sec. return the bill & reasons & inform the House accordingly.

Rec<sup>d</sup>. also from the House the following engrossed bills for revision & entitled "An act in addition to the several acts relating to Highways & Bridges," which was read, Whereupon, *Resolved not* to concur; Mr. Starkweather to report reasons therefor.

Also "An act directing the Treasurer to pay A. S. Blake & D. A. A. Buck the sum therein mentioned," read, and the yeas & nays being demanded, the question "Will the Governor & Council concur in passing said bill?" having been put, it was determined in the affirmative. Yeas 9. Nays 2. Those who voted in the affirmative were Messrs. Bell, Flint, Graves, Green, Hammond, Harvey, Marsh, Pettibone & Wardner. Those who voted in the negative were Messrs. Crawford & Starkweather. Also "An act directing the Treasurer to pay Geo. W. Webb Jr. the sum therein named," read, Whereupon *Resolved* to concur in passing said bill. Also "An act repealing an act herein mentioned, and each & every act supplementary thereto," which was read, Whereupon *Resolved* to concur in passing said bill. Also "An act to provide for the distribution of the 2<sup>d</sup> Volume of the compiled Laws," read, Whereupon, *Resolved* to concur in passing said bill. *Ordered* that the Secretary inform the House in the above *five* cases.

Rec<sup>d</sup>. from the House for concurrence in the reference "An act directing the Treasurer to pay Paul Chase the sum therein mentioned," with an order of reference thereon to the Committee of Claims, and also "An act appointing a Collector in the town of Stowe," with an order of reference to the Land Tax Committee. Whereupon, *Resolved* to concur in said several orders of reference. Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—The Governor & Council met agreeably to adjournment. Mr. Crawford moved a reconsideration of the vote concurring in the passing of the engrossed bill entitled "An act to revive & amend an act incorporating the village of Brattleboro," which was laid upon the table.

Governor & Council proceeded to Representatives' room on an adjourned meeting to appoint County officers after which they returned to their chamber.

The House sent up for revision & an engrossed bill entitled "An act incorporating Literary & Scientific Associations," and the same having been read, & the yeas & nays demanded, the question "Will the Governor & Council concur with the House in the passing of this bill?" having been put, was determined in the negative. Yeas 4. Nays 8. Those who voted in the affirmative were Messrs. Marsh, Pettibone, Starkweather & Wardner. Those in the negative were Messrs. Bell, Brown, Crawford, Flint, Graves, Green, Hammond & Harvey. Mr. Brown was appointed to report reasons therefor.

Rec<sup>d</sup>. from the House for concurrence in passing the following resolution, "Resolved, the Governor & Council concurring herein, that both Houses meet in the Rep's. room on Wednesday of next week at 6 o'clock A. M. for the purpose of adjourning the Legislature," read, Whereupon, *Resolved* to concur in passing said resolution. *Ordered* that the Secretary inform the House thereof.

Mr. Crawford renewed his motion first above named, Whereupon *Resolved* to rescind the said vote concurring in the passage [of] the aforesaid bill.

Rec<sup>d</sup>. from House an engrossed bill for revision & entitled "An act



directing the appointment of a Surveyor General & regulating his office & duty," read, Whereupon *Resolved* not to concur in passing said bill. Mr. Flint appointed to report reasons.

Rec<sup>d</sup> also for revision &c. an engrossed bill entitled "An act to provide for removing obstructions in Passumpsic and Moose Rivers," which was read, Whereupon, *Resolved* to concur with the following proposal of amendment, to wit, add to the last section the following, "Provided That upon request being made to said M<sup>c</sup>Leran or his assigns, by any person, or the Agent of any person, owning lands upon which s<sup>d</sup> M<sup>c</sup>Leran may have entered or may enter, for the purposes contemplated in this act, for security for the payment of any damages which may be sustained by such person or persons, (to be ascertained as in this section provided,) said M<sup>c</sup>Leran or his assigns shall give such security by way of bond, with sureties or otherwise; and if said M<sup>c</sup>Leran or his assigns shall neglect to give such security, he or they shall take no benefit of this act so far as the rights of such person or persons may be concerned." *Ordered* that the Secretary inform the House accordingly. Adjourned to 9 o'clock tomorrow morning.

THURSDAY, Nov. 5, 1835. 9 o'clock A. M.

Governor & Council met agreeably to adjournment. Rec<sup>d</sup> from the House for concurrence in the reference the following, "An act relating to the Quarter-Master's department," with an order of reference thereon to the Committee on Military Affairs. Also "An act to revive & alter an act laying a tax on Glastenbury in the County of Bennington," with an order of reference thereon to the Land Tax Committee. Also "An act for the appointment of measurers of Salt & grain," and "An act regulating the admission of Attornies at Law," with an order of reference on each to the General Committee. Also "An act to incorporate the Vergennes Manufacturing Company," with an order of reference thereon to the Committee on Manufactures, Whereupon *Resolved* to concur in said several orders of reference.

Rec<sup>d</sup> for concurrence in passing the following resolution, "Resolved, the Governor & Council concurring herein, that the Judiciary Committee be instructed to inquire into the expediency of the passage of a law providing that Justices of the Peace may issue Executions, on Judgments by them rendered while in office, after their term of office shall have expired," which was read, Whereupon *Resolved* to concur in passing said resolution.

Mr. Brown, who had been appointed to report reasons for non concurrence in the engrossed bill entitled "An act incorporating Literary & Scientific Associations," presented the following, to wit, "It is believed by the Gov. & Council that to create an indefinite number of corporations for the purposes contemplated by this bill, with the power of holding an unlimited amount of personal property, & real estate to the amount of twenty thousand dollars, would of itself, be highly dangerous, and if carried into effect to the extent contemplated by this bill, would materially injure, or perhaps totally ruin, the very valuable public seminaries of this State. The Gov. & Council believe also that the act incorporating Library Societies is amply sufficient. This bill would be liable to perversion, & objects foreign to those now intended to be embraced in the bill might be introduced, & the consequence might be an exemption of a large amount of property from taxation, not really devoted to Literary purposes. The Gov. & Council are of opinion that in all cases of corporations of the magnitude contemplated by this act, the Legislature should exercise its discretion in each case.

M. BROWN, for Gov. & Council."

Which were adopted. *Ordered* that the Secretary return said bill & the reasons aforesaid & inform the House accordingly.

Mr. Starkweather, who had been appointed to report reasons for non concurrence in the bill entitled "An act in addition to the several acts relating to Highways & Bridges," presented the following, to wit, "1<sup>st</sup> As Highways & Bridges are made & supported at the public expense, they ought so to be constructed as to completely subserve all reasonable purposes of public convenience. 2<sup>d</sup> Limiting the amount of loading, as proposed by the bill, it is believed will be calculated to induce neglect in the erection & repairing of bridges, & thereby endanger public safety. 3<sup>d</sup> It would, in all probability, be a fruitful source of litigation, & that when the contest is very unequal." Adopted. *Ordered* that the Secretary return the bill & reasons & inform &c. Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M. The Governor & Council met agreeably to adjournment. The engrossed bill entitled "An act to revive & amend an act entitled an act incorporating the village of Brattleboro" was, on motion of Mr. Crawford, called [up] and amended as follows, to wit, strike out the words "two thirds" from the 4<sup>th</sup> line of the 3<sup>d</sup> section and insert in lieu thereof the words *three fourths*. Whereupon *Resolved* to concur in passing said bill as amended. *Ordered* that the Secretary inform the House accordingly. Also an engrossed bill entitled "An act in addition to an act establishing a corporation by the name of the Sherburne Turnpike Company," which was read, Whereupon *Resolved* to concur with the following proposals of amendment, to wit, strike out of the 1<sup>st</sup> section the whole of the 6<sup>th</sup> & 7<sup>th</sup> lines, and all of the 8<sup>th</sup> line to the words "any person" in said line, and from the 9<sup>th</sup> line of the same section the words "or other vehicle." Strike out from the 18<sup>th</sup> & 19<sup>th</sup> lines of the 2<sup>d</sup> section the words "Rutland County Court," and insert in lieu thereof the words "*Turnpike Inspectors of Rutland County*." And strike out from the 4<sup>th</sup> line of the 3<sup>d</sup> section the word "twenty" and insert in lieu thereof the word *seventeen*. *Ordered* that the Secretary inform the House &c.

Rec<sup>d</sup> from the House for concurrence in the reference "An act directing the Treasaurer to credit the town of Plymouth the sum therein mentioned," with an order of reference thereon to a select committee of three members of the House to join from Council. Whereupon *Resolved* to concur and Mr. Hammond appointed from Council.

Rec<sup>d</sup> from the House for concurrence in passing the following, "Resolved, the Governor & Council concurring herein, that the Judiciary Committee be instructed to inquire into the expediency of making any & what alteration in the law regulating Marriage & Divorce, passed Feb. 28, 1797, and Nov. 6, 1822, & that they report by bill or otherwise," read, Whereupon *Resolved* to concur in passing said resolution.

Mr. Pettibone presented the following reasons for non-concurring in the bill entitled "An act annexing a part of the town of Highgate to the town of Swanton," Viz. "The bill is not to take effect until assented to by the towns of Swanton & Highgate in town meeting held for that purpose. It is believed by the Governor & Council that it would be inexpedient and a waste of time to pass through all the forms of enacting laws and spreading them upon our statute book, which have no force or effect except in a contingency which may never happen. There is no evidence that either town, in its corporate capacity, has ever expressed a desire for an alteration in their town lines. It is deemed inexpedient to pass any law for the objects contemplated in this bill before some action is had by said towns in town meeting held for such purpose and the evidence of such action be presented to the Legislature." Which were adopted. *Ordered* that the Secretary return said bill & reasons to the House &c. Adjourned to 9 o'clock to morrow A. M.

FRIDAY Nov. 6, 1835. 9 o'clock A. M.

The Governor & Council met agreeably to adjournment. Mr. Starkweather had leave of absence from and after Saturday of this week.

Rec<sup>d</sup>. from the House for concurrence in passing the following resolution, "Resolved, the Governor & Council concurring herein, that both Houses meet in joint committee in the Representatives' room on Friday afternoon at 3 o'clock for the purpose of electing a Brigadier General for the 2<sup>d</sup>. Brigade and 1<sup>st</sup> Division of Militia, to supply the vacancy occasioned by the resignation of Brigadier General Daniel Bowen," read, Whereupon, *Resolved* to concur in passing said resolution. *Ordered* that the Secretary inform the House, &c. *Also* rec<sup>d</sup>. the following, "Resolved, the Governor & Council concurring herein, that both Houses meet in joint Committee in the Representatives' Hall this afternoon at 3 o'clock to fill the vacancy occasioned by the resignation of Brigadier General Franklin H. Fessenden," which was read, Whereupon, *Resolved* to concur in passing said resolution. *Ordered* that the Secretary inform the House &c.

Rec<sup>d</sup>. *Also* the following, "Resolved, the Governor & Council concurring herein, that the Superintending Committee of the new State House is hereby authorized to sell and dispose of the old State House by auction, or private sale, as he may think best, and apply the avails thereof towards the expenses of the new State House." *Resolved* to concur in passing said resolution. *Ordered* that the Secretary inform the House of such concurrence.

Rec<sup>d</sup>. *also*, for concurrence in passing, the following, "Resolved, the Governor & Council concurring herein, that the Committee on Education be instructed to enquire into the expediency of passing a law incorporating the Brookfield Female Seminary, and report by bill or otherwise." Whereupon, *Resolved* to concur, &c.

Rec<sup>d</sup>. from the House the following engrossed bills for revision &c. entitled "An act for the distribution of the 6<sup>th</sup>. Volume of the Reports of the Supreme Court," read, Whereupon *Resolved* to concur in passing said bill. *Also* "An act to alter the name of Mary Minerva McNeal," which was read, Whereupon *Resolved* to concur in passing said bill. *Also* "An act directing the Quarter Master General to loan Capt. Alden Partridge 150 stands of arms," read. Whereupon, *Resolved* to concur in passing said bill. *Also* "An act directing the Treasurer of this State to pay Nahum Jenison and Joseph S. Jenison the sum therein mentioned," which was read, and the yeas & nays being demanded, the question "Will the Governor & Council concur in passing said bill?" being put, was determined in the affirmative. Yeas 9. Nays 3. Those who voted in the affirmative were Messrs. Bell, Brown, Flint, Graves, Green, Harvey, Pettibone, Starkweather & Wardner. Those who voted in the negative were Messrs. Crawford, Hammond & Marsh. *Ordered* that the Secretary inform the House in the above four cases &c.

Mr. Flint presented the following reasons for the *non* concurrence of the Governor & Council in the bill entitled "An act directing the appointment of a Surveyor General and regulating his office & duty," Viz. "This act authorizes the Surveyor General to make a record of *former* as well as *future* surveys. The Governor & Council are not aware that any such necessity exists for making a new record of surveys already made as to justify the expense. This bill makes a particular office a source of unexampled individual aggrandizement without a corresponding public benefit. The existing laws relative to the Surveyor General's Department are believed to be sufficient, & any change in a public statute, not called for by the wants of the people, is dangerous to the common interests.

MARTIN FLINT, for Gov. & Council."

Which were approved of and *Ordered* that the Secretary return said bill & reasons & inform the House &c. Adjourned to 2 o'clock P. M.

2 o'CLOCK P. M.—The Governor & Council met agreeably to adjournment. The following preamble and resolution were introduced, to wit, "Whereas, it has been usual, for obvious reasons of convenience and public utility, to issue commissions, before the final adjournment of the General Assembly, to the officers elected by that body, and whereas, by reason of the absence of the Governor, it is apprehended that the usual commissions cannot be issued, during the present session of the General Assembly, unless the Lieutenant Governor shall perform that duty, Therefore, Resolved, that His Honor the Lieutenant Governor be requested to issue commissions, to the officers elected by the General Assembly, and other officers entitled to commissions, in all cases where it hath been heretofore usual to issue commissions during the session," which preamble & resolution were referred to a Committee of three members of this Council to take the same into consideration & report to this body as soon as may be. Messrs. Marsh, Starkweather & Wardner were, by the Council, appointed that Committee, who submitted the following report—

*To His Honor the Lieutenant Governor & the Council now in session:—* Your committee to whom was referred the foregoing resolution respectfully report that in their opinion, the facilities which the separation of the members of the General Assembly affords for the distribution of the commissions, the propriety of furnishing those officers, whose duties commence with their appointment, with the evidence of their authority, and the opportunity thus afforded for that joint action of the Council with the Chief executive officer, in issuing commissions, which the letter of the Eleventh Section of the Plan or Frame of Government seems to require,<sup>1</sup> for the long established practice of issuing commissions before the adjournment, and for conforming to that practice in the present instance, unless there be good cause to doubt the power of the Lieutenant Governor to commission officers, in the present unprecedented state of our government, the Committee see no reason to doubt this power, whether the late incumbent of the gubernatorial chair be holden to be still in office or not. If, as the Committee believe, (and on this point they beg leave to refer to the opinion given by the Judges of the Supreme Court, at the request of the Council, in 1832,<sup>1</sup>) the Chief executive officer, in case there be no election by the people, holds over during the session of the succeeding year, or until an election by the two Houses, the

<sup>1</sup> Section eleven of the second part of the constitution, as it read in 1835, was as follows:

Sec. 11. The governor, and in his absence, the lieutenant governor, *with the council (the major part of whom, including the governor or lieutenant governor, shall be a quorum to transact business,)* shall have power to commission all officers, and also to appoint officers, except where provision is or shall be otherwise made by law. or this frame of government; and shall supply every vacancy in any office, occasioned by death or otherwise, until the office can be filled in the manner directed by law or this constitution.

On the substitution of a Senate for the Council, the above words in *italic* were dropped. By another amendment, the Lieutenant Governor, in the absence or disability of the Governor, was invested with all the executive powers.

<sup>1</sup> See *Appendix C*.

power of the Lieutenant Governor to issue commissions in the absence of the Governor, is as clear as his authority to preside in Council, or to do any other official act, in the like case. If, on the other hand, the office of the Chief magistrate expires with the calendar year, at the beginning of which it commenced, and the office of Governor is now, in consequence, vacant, the necessity of the case requires that the constitution should be construed liberally, and upon such principles as to promote the objects designed by that Instrument. The constitution nowhere provides that the functions of Governor shall be exercised by the Lieutenant Governor or any other officer, in any other contingency than that of the "absence" of the Governor, yet it is hardly to be supposed that the framers of the Constitution intended to expose the public to the inconveniences which might result from absolute suspension of the chief executive authority, in case of the death, resignation, or impeachment of the Governor. If in either of these cases the Lt Governor cannot act as in the absence of that officer, he could have no authority to assemble the Council for the purpose of filling the vacancy, or for any other purpose, and consequently the General Assembly could not be called together upon any emergency, and the State would be wholly without any legislative, or chief executive power. For these reasons, the Committee are of opinion that the word "absence" is used in the constitution as a comprehensive mode of expression, embracing all cases of personal absence of the officer, or vacancy in the office from whatever cause arising—they therefore recommend the passage of the foregoing resolution.

GEO. P. MARSH, for Committee."

Which report was accepted and the resolution passed.

Rec<sup>d</sup> from the House for revision &c an engrossed bill entitled "An act directing the Treasurer of this State to pay David Harrington the sum therein mentioned," which was read and the yeas & nays being demanded, the question "Will the Governor and Council concur in passing this bill?" being put was determined in the affirmative. Yeas 9. Nays 3. Those who voted in the affirmative were Messrs. Bell, Brown, Flint, Graves, Green, Harvey, Pettibone, Starkweather & Wardner. Those in the negative were Messrs. Crawford, Hammond & Marsh. Also "An act for the relief of the town of Marshfield," which was read, Whereupon *Resolved* to concur in passing said bill. *Ordered* that the Secretary inform the House in both the above cases.

Rec<sup>d</sup> also the following, "Resolved, the Governor & Council concurring herein, that the Judiciary Committee be instructed to enquire into the expediency of so altering the law as to extend the powers of the probate courts to license the Guardians of minors, idiots or distracted persons, to sell & convey the real estate of their wards, & report by bill or otherwise," read, Whereupon : *Resolved* to concur.

The Gov. & Council proceeded to the Representatives' room on a joint resolution of the forenoon, after which they returned to their chamber.<sup>1</sup>

Rec<sup>d</sup> from the House for revision &c an engrossed bill entitled "An act to incorporate Lincoln Turnpike Company," which was read, Whereupon, *Resolved* to concur in passing said bill with the following proposal of amendment, to wit, Strike out the whole of the 2<sup>d</sup> proviso to the 4<sup>th</sup> Section & insert in lieu thereof the following, to wit, "Provided also that the Inhabitants of the several towns, in or through which said road shall be made, shall have the right to pass said gate free of toll when engaged upon their ordinary domestic concerns, provided that they shall not be so exempt when engaged in the transportation of lumber, manufac-

<sup>1</sup> Ryland Fletcher and Stephen P. Flagg were elected Brigadier Generals.

tured or unmanufactured, to market." The yeas & nays being demanded were taken. Yeas 9. Nays 3. Those who voted in the affirmative were Messrs. Bell, Brown, Crawford, Flint, Graves, Green, Hammond, Harvey, & Wardner. Those in the negative were Messrs. Marsh, Pettibone, & Starkweather. *Ordered* that the Secretary inform the House &c.

*Also*, "An act appropriating the Minister rights of land in the town of Ripton to the use of schools," which was read, Whereupon, *Resolved* to concur in passing this bill. *Also* "An act directing the Treasurer to pay Harvey Bell the sum therein mentioned," which was read, Whereupon, *Resolved* to concur in passing said bill. *Ordered* that the Secretary inform the House in the foregoing two cases. Adjourned to 9 o'clock tomorrow A. M.

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SATURDAY Nov. 7, 1835. 9 o'clock A. M.

The Governor & Council met agreeably to adjournment. Rec<sup>d</sup> from the House for revision &c. engrossed bills entitled "An act to revive an act laying a tax on the lands in Searsburgh," which was read, Whereupon, *Resolved* to concur in passing said bill. *Also* "An act to alter the name of Harry Loverin," which was read, Whereupon *Resolved* to concur in passing said bill. *Also* "An act laying a tax on the lands in Woodbury in the County of Washington," which was read, Whereupon *Resolved* to concur in passing said bill. *Also* "An act laying a tax on the lands in Groton," which was read, Whereupon, *Resolved* to concur in passing said bill. *Also* "An act laying a tax on the lands in Worcester," read, Whereupon : *Resolved* to concur in passing said bill. *Also* "An act laying a tax on the lands in Elmore," read, Whereupon, *Resolved* to concur in passing said bill. *Also* "An act appointing a collector in the town of Stowe," read, Whereupon *Resolved* to concur in passing said bill. *Ordered* that the Secretary inform the House in the above seven cases.

Rec<sup>d</sup> from the House for concurrence in the reference the following to wit, "An act directing the Treasurer to pay Richard W. Sherman the sum therein mentioned," with an order of reference thereon to the Committee of Claims. Whereupon *Resolved* to concur in said order of reference.

Rec<sup>d</sup> from the House for revision &c. an engrossed bill entitled as follows, "An act incorporating the Inhabitants of the Centre Village in Springfield for the purposes therein named," which was read, Whereupon *Resolved* to concur in passing said bill. *Also* "An act in addition to an act granting to William Page and Lewis R. Morris & their associates the privilege of locking Bellows Falls on Connecticut River, passed 25<sup>th</sup> Oct<sup>r</sup> 1792, and the several acts in addition thereunto," which was read. Whereupon *Resolved* to concur in passing said bill. *Ordered* that the Secretary inform in both of the foregoing cases.

*Also* an engrossed bill entitled "An act in addition to an act entitled 'an act establishing a County Grammar School in Lyndon in the County of Caledonia,'" which was read, Whereupon, on motion of Mr. Brown, *Resolved* that Counsel be admitted on to the floor of the Council Chamber, & proceed to hear one argument on a side only. Whereupon Messrs. [Hon. W.] Upham & [William P.] Briggs appeared in the Chamber & addressed the Council, and the bill was then laid on the table, and the Governor & Council Adjourned to 2 o'clock P. M.

2 o'clock P. M.—The Governor & Council met agreeably to adjournment. Mr. Starkweather called up the bill entitled "An act in addition to an act establishing a County Grammar School in Lyndon in the

County of Caledonia," and the yeas & nays being demanded, the question "Will the Governor & Council concur in the passage of said bill?" having been put, it was determined in the negative. Yeas 3. Nays 9. Mr. Pettibone then moved that the Gov. & Council non concur in passing said bill, and the question "Will the Gov. & Council non concur in passing s<sup>d</sup>. bill?" having been put, it was determined in the affirmative. Yeas 9. Nays 3. Those who voted in the affirmative were Messrs. Bell, Brown, Crawford, Green, Hammond, Harvey, Marsh, Pettibone & Wardner. In the negative Messrs. Flint, Graves and Starkweather. Mr. Marsh to report reasons therefor.

Also "An act to incorporate the Colchester Manufacturing Company," which was read, Whereupon *Resolved* to concur in passing said bill. *Ordered* that the Secretary inform the House &c. Adjourned to 9 o'clock Monday morning next.

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MONDAY Nov. 9, 1835. 9 o'clock A. M.

The Governor & Council met agreeably to adjournment. Mr. Marsh, who had been appointed to report reasons for non concurrence of Gov. & Council in the engrossed bill entitled "An act in addition to an act establishing a County Grammar School in Lyndon in Caledonia County," presented the following, to wit, "1<sup>st</sup>. That the General Assembly possesses no constitutional power to divert the funds in question from Caledonia County Grammar School at Peacham. 2<sup>d</sup>. That such diversion would be manifestly unjust, & 3<sup>d</sup>. That there is no sufficient evidence of its expediency, were it both legal and unobjectionable on the score of right." (For a full exhibition of the reasons on these several heads, reference is had to the files deposited in the office of the Secretary, & also in the files in the office of Secretary of State.)<sup>1</sup> *Ordered* that the Secretary return said bill & the reasons afores<sup>d</sup>. to the House &c.

Rec<sup>d</sup>. from the House for revision &c. engrossed bills entitled "An act laying a tax on the lands in Charleston," read, Whereupon *Resolved* to concur in passing said bill. Also "An act to incorporate the Brandon Iron Company," which was read, Whereupon *Resolved* to concur in passing said bill. Also "An act to incorporate the Missisquoi Manufacturing Company," which was read, Whereupon *Resolved* to concur in passing said bill. Also "An act in addition to an act directing the proceedings against the Trustees of absconding or concealed debtors," which was read, Whereupon *Resolved* to concur in passing said bill. Also "An act in addition to an act entitled an act in addition to an act directing the levying & serving Executions, passed Oct<sup>r</sup>. 30, 1825," which was read, Whereupon *Resolved* to concur in passing said bill. *Ordered* that the Secretary inform in the above five cases.

Rec<sup>d</sup>. from the House for revision &c. engrossed bills entitled "An act in addition to an act entitled an act reducing into one the several acts for laying out, making, repairing, and clearing Highways & Bridges," read, Whereupon *Resolved* to concur in passing said bill with the following proposal of amendment, to wit, Strike out of the 6<sup>th</sup> line of the bill the words "twelve thousand pounds," and insert in lieu thereof the words *fifty tons*. *Ordered* that the Secretary inform the House accordingly. Adjourned to 2 o'clock P. M.

2 o'clock P. M.—The Governor & Council met &c. Rec<sup>d</sup>. from the House for revision &c. an engrossed bill entitled "An act directing the Treasurer to pay the Trustees of the Vermont Asylum for the Insane the sum therein mentioned," which was read, Whereupon, *Resolved* to

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<sup>1</sup> This is a reference of the Secretary, on the record.

concur in passing said bill. *Ordered* that the Secretary inform the House thereof.

*Also*, an engrossed bill entitled "An act in addition to an act authorizing the building of a State House at Montpelier," which was read, when Mr. Pettibone moved to amend the bill by striking out the word "thirty" in the 4<sup>th</sup> line & inserting in lieu thereof the words *twenty-five*, and Thereupon, the yeas & nays being demanded, the question "Shall the bill be so amended?" having been put, was determined in the negative. Yeas 5. Nays 6. Those who voted in the affirmative were Messrs. Bell, Crawford, Green, Pettibone & Wardner. In the negative Messrs. Brown, Flint, Graves, Hammond, Harvey, & Marsh. And the question then returned upon the passage of the bill, the yeas & nays being demanded, [and] the question "Will the Governor & Council concur in passing said bill?" having been put, it was determined in the affirmative. Yeas 9. Nays 2. Those who voted in the affirmative were Messrs. Bell, Brown, Flint, Graves, Green, Hammond, Harvey, Marsh & Wardner. In the negative Messrs. Crawford & Pettibone. *Ordered* that the Secretary inform the House of such concurrence.

Rec<sup>d</sup> for revision & an engrossed bill entitled "An act laying a tax on the lands in Charleston," which was read, Whereupon, *Resolved* to concur in passing said bill. *Also* "An act to incorporate the Brandon Iron Company," which was read, Whereupon *Resolved* to concur in passing said bill. *Also* "An act to incorporate the Manchester Glass Factory Company," which was read, Whereupon, *Resolved* to concur in passing said bill. *Also* "An act to preserve fish in the waters in the town of Williamstown," which was read, Whereupon, *Resolved* to concur in passing said bill. *Also* "An act to incorporate the Vermont Central Rail Road Company," which was read, Whereupon, *Resolved* to concur in passing said bill. *Also* "An act to incorporate the Sheldon Manufacturing Company," which was read, Whereupon, *Resolved* to concur in passing said bill. *Also* "An act to incorporate the Bennington & Brattleboro' Rail Road Company," which was read, Whereupon *Resolved* to concur in passing said bill. *Also* "An act to incorporate the Middlebury Manufacturing Company," which was read, Whereupon *Resolved* to concur in passing said bill. *Also* "An act to incorporate the Burlington Mill Company," which was read, Whereupon *Resolved* to concur in passing said bill. *Ordered* the Secretary inform the House in the nine above cases. Adjourned to 7 o'clock this evening.

7 O'CLOCK P. M.—The Governor & Council met agreeably to adjournment. Rec<sup>d</sup> from the House for revision & an engrossed bill entitled "An act to incorporate the Vergennes & Bristol Rail Road Company," which was read, Whereupon *Resolved* to concur in passing said bill. *Also* "An act in addition to an act entitled an act incorporating certain Turnpike Companies in the Western Counties in this State," which was read, Whereupon *Resolved* to concur in passing said bill. *Also* "An act directing the Quarter Master General to furnish a field piece with carriage & apparatus for the use of an artillery company in Londonderry," read, Whereupon *Resolved* to concur in passing said bill. *Also* "An act to incorporate the Connecticut & Passumpsic Rivers Rail Road Company," read, Whereupon *Resolved* to concur with the following proposal of amendment, to wit, fill the blank in the 21<sup>st</sup> line of 10<sup>th</sup> Section with the word *ten*. *Also* "An act establishing a corporation by the name of the Huntington Turnpike Company," read, Whereupon *Resolved* to concur in passing said bill. *Ordered* that the Secretary inform the House in the five foregoing cases.

Rec<sup>d</sup> *also* "An act in addition to an act entitled 'an act reducing into one the several acts laying out, clearing and repairing Highways &



building bridges," which was read, Whereupon *Resolved* to non concur in passing said bill. Mr. Brown to report reasons therefor.

*Also* "An act in addition to the several statutes which regulate the limitation of actions," read, Whereupon *Resolved* to non concur in passing said bill. Mr. Marsh to assign reasons therefor.

Messrs. D. M. Camp, Ebenezer C. Tracy & Almon Warner were, by the Gov. & Council, appointed visitors &c &c to the Vermont University. Adjourned to 9 o'clock tomorrow morning.

TUESDAY Nov. 10, 1835. [9 o'clock A. M.]

The Governor & Council met agreeably to adjournment. Mr. Marsh presented the following as the reasons of this body for non concurring in the bill entitled "An act in addition to the several statutes which regulate the limitation of actions," to wit, "1<sup>st</sup> The bill, tho' general in most of its provisions, is designed to deprive a particular Society of the benefit of those clauses in the statutes of limitations which exempt from their operation persons beyond seas, and which provide that they shall not extend to lands set apart for public, pious or charitable uses, & the bill is, therefore, objectionable in the minds of the Gov. & Council as an attempt at *particular legislation*, not warranted by the circumstances of the case. 2<sup>d</sup> It extends to suits already pending, & therefore tends to defeat vested rights, inasmuch as the remedy itself may be a right. 3<sup>d</sup> Altho' probably framed for the sole purpose of defeating certain suits brought, or meditated, by the Society for the [Propagation of the] Gospel in Foreign Parts, there is reason to fear, that the bill, if passed, may injuriously affect other controversies now pending, inasmuch as it embraces all actions for whatever cause." Which being read were adopted, Whereupon *Ordered* that the Secretary return the bill & reasons & inform accordingly.

*Rec<sup>d</sup> also* "An act assessing a tax for the support of Government," which was read, Whereupon *Resolved* to concur in passing said bill. *Also* "An act making appropriations for the support of Government," which was read, Whereupon *Resolved* to concur in passing said bill. *Also* "An act in addition to and alteration of an act entitled an act to incorporate the Vermont Medical Society," which was read, Whereupon *Resolved* to concur in passing said bill. *Also* "An act to incorporate the Vergennes Manufacturing Company," which was read, Whereupon *Resolved* to concur in passing said bill. *Ordered* that the Secretary in the four above cases inform the House &c.

*Rec<sup>d</sup>* for revision &c an engrossed bill entitled "An act in addition to an act relating to weights & measures, passed 8<sup>th</sup> March 1797," read, Whereupon *Resolved* to non-concur in passing said bill. Mr. Wardner to report reasons therefor.

*Rec<sup>d</sup>* for concurrence in the reference "An act to incorporate the Bellows Falls Manufacturing Company," with an order of recommitment thereon to the Committee on Manufactures. Whereupon *Resolved* to concur in said recommitment.

*Rec<sup>d</sup>* for revision &c the following engrossed bills entitled "An act to incorporate the Black River Reservoir Company," which was read, Whereupon *Resolved* to concur in passing said bill. *Also* "An act to incorporate the Proctorsville Woolen Manufacturing Company," read Whereupon *Resolved* to concur in passing said bill. *Also* "An act to incorporate the Union Manufacturing Company," which was read, Whereupon *Resolved* to concur in passing said bill. *Also* "An act authorizing the Proprietors of Lyman's Bridge to hold real estate in this

State," which was read, Whereupon *Resolved* to concur in passing said bill. Also "An act reviving and altering an act laying a tax on the town of Glastenbury in the County of Bennington," read, Whereupon *Resolved* to concur in passing said bill. Also "An act in addition to an act entitled an act defining the powers of Justices of the Peace within this State," which was read, Whereupon *Resolved* to concur with the following proposal of amendment, to wit, "Provided that this act shall not be construed to authorize any Justice of the Peace to issue executions for a longer period than one year and a day after the term of office of such Justice shall have expired." Also "An act in addition to an act entitled an act constituting the Supreme & County Courts, defining their powers & regulating Judicial proceedings," read, Whereupon *Resolved* to concur in passing said bill. *Ordered* that the Secretary inform the House in the above eight cases.

Rec<sup>d</sup>. for revision &c. an engrossed bill entitled "An act directing the Treasurer to pay Alba Davidson the sum therein mentioned," which was read, and the yeas & nays being demanded, the question "Will the Governor and Council concur in passing said bill?" having been put, was determined in the affirmative. Yeas 9. Nays 2. Those who voted in the affirmative were Messrs. Brown, Crawford, Hammond, Pettibone & Wardner, Bell, Flint, Graves, Green. Those in the negative were Messrs. Harvey & Marsh. *Ordered* that the Secretary inform the House of &c.

Also "An act repealing an act therein mentioned," which was read, Whereupon *Resolved* to non-concur. Mr. Bell to report reasons therefor.

Mr. Brown presented the following as the reasons for non-concurring in the bill entitled "an act in addition to an act entitled an act reducing into one the several acts laying out & repairing Highways & building Bridges," to wit, "1<sup>st</sup>. The Governor & Council believe the effect of this bill w<sup>d</sup> be greatly to reduce the value of the annual highway tax, as no provision is made by the bill for reducing the price of labor in proportion to the reduction of the tax, & that its operation might be very unequal. 2<sup>d</sup>. Placing large sums of money in the hands of Highway Surveyors, without requiring from them security, might occasion much loss, & defeat the object of the tax, as the whole matter is placed at the disposal of Highway Surveyors, & they are not only to *collect* but to *expend* the tax entirely as they please, subject to no control whatever." Which were adopted, Whereupon *Ordered* that the Secretary return s<sup>d</sup>. bill & reasons & inform &c.

Also "An act making appropriation for the payment of the Convention to be called by order of the Council of Censors," which was read, Whereupon *Resolved* to concur &c. Also "An act authorizing the Treasurer to borrow the sum therein mentioned," which was read, Whereupon *Resolved* to concur &c. *Ordered* that the Secretary inform the House in two last cases. Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—The Gov. & Council met agreeably to adjournment. Heman Carpenter was appointed Librarian for the ensuing year.

Rec<sup>d</sup>. a communication from D. M. Camp Esq<sup>r</sup> declining the appointment of visitor &c. to University of Vermont. Norman Williams was appointed in place thereof.

Hon. Cyrus Ware appointed Surveyor of public buildings.

Mr. Brown introduced the following, to wit, "Resolved, the House of Representatives concurring herein, that hereafter all bills which shall be suspended by the Gov. & Council shall be published with the laws, and the Secretary of State is hereby directed to cause such suspended bills to be so published in his annual compilation of the laws of each year"; read & passed.

Mr. Wardner presented the following reasons for non-concurring in the bill entitled "An act in addition to an act relating to weights & measures, passed 8<sup>th</sup> March 1797," to wit, "1<sup>st</sup>. The bill, in the opinion of Gov. & Council, requires an unattainable accuracy especially in the larger sized scales. 2<sup>d</sup>. It is believed it would give rise to many disputes & much litigation;" adopted. *Ordered* that the Secretary return the bill & reasons & inform the House of &c.

Rec<sup>d</sup>. for revision &c. an engrossed bill entitled "An act directing the Treasurer to pay Samuel B. Booth the sum therein mentioned," read, Whereupon *Resolved* to non concur. Mr. Brown appointed to report reasons, who forthwith presented the following, to wit, "There has not been a sufficient investigation in relation to said claim to warrant an appropriation for it: and it is very uncertain *what* amount the petitioner ought to receive as a compensation for his loss." Adopted. *Ordered* that the Sec. return said bill & inform the House of &c.

Rec<sup>d</sup>. for revision &c. an engrossed bill entitled "An act in addition to the several acts constituting Probate Courts & defining their powers, & regulating the settlement of testate & intestate estates and the guardianship of minors and insane persons," read, Whereupon *Resolved* to concur in passing said bill. *Ordered* that the Secretary inform the House &c.

Mr. Bell presented the following reasons for the non concurrence of Gov. & Council in the bill entitled "An act repealing an act therein mentioned," to wit, "In the opinion of the Gov. & Council it is inexpedient, at present, to repeal the act contemplated." Adopted. *Ordered* that the Secretary return said bill & reasons & inform &c.

Rec<sup>d</sup>. also "An act incorporating the Winooski Block Manufacturing Company," read, Whereupon *Resolved* to concur in passing said bill. *Ordered* that the Secretary inform the House &c.

Rec<sup>d</sup>. also, "An act repealing an act therein mentioned and providing for advertisements relating to land taxes & notices," read, Whereupon *Resolved* to concur with the following proposals of amendment, to wit, Amend the title by inserting the words *part of* immediately after the word "repealing," and insert the word *publishing* next before the word "advertisements." Strike out all after the enacting clause and insert the following, to wit, "That all advertisements in relation to land taxes, and other notices required by any law of this State to be published in the Vermont Republican printed at Windsor, shall hereafter be published in the *Spirit of '76*, printed at said Windsor, & that part of the act passed Nov. 11, 1815, which requires that such advertisements or notices shall be inserted in the Vermont Republican be and the same are [is] hereby repealed. Provided that if at any time hereafter the "*Spirit of '76*" shall cease to be published at said Windsor, such advertisements may be inserted in any Newspaper which may be printed at said Windsor." *Ordered* that the Secretary inform the House accordingly.

Rec<sup>d</sup>. for revision &c. from the House an engrossed bill entitled "An act to encourage the growing of silk within this State," which was read, and the yeas and nays being demanded, the question "Will the Governor & Council concur in passing said bill?" being put, was determined in the affirmative. Yeas 7, Nays 4. Those who voted in the affirmative were Messrs. Bell, Brown, Crawford, Graves, Green, Marsh & Wardner. Those who voted in the negative were Messrs. Flint, Hammond, Harvey & Pettibone.' *Ordered* that the Secretary inform the House of such concurrence.

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'This act authorized a bounty of "ten cents for each pound of cocoons hereafter raised or grown within this state." A pound of cocoons,

Rec<sup>d</sup> also, "An act to incorporate the Rutland & Connecticut River Rail Road Company," read, Whereupon, *Resolved* to concur in passing said bill. *Ordered* that the Secretary inform the House &c.

Rec<sup>d</sup> also, "An act to incorporate the Youngsville Manufacturing Company," which was read, Whereupon *Resolved* to concur in passing said bill. Also "An act to incorporate the Village Falls Manufacturing Company," which was read, Whereupon *Resolved* to concur in passing said bill. *Ordered* that the Secretary inform the House in both of the above cases. Adjourned to 6 o'clock this evening.

6 O'CLOCK P. M.—The Governor & Council met agreeably to adjournment. The Committee appointed to report rules for the Library made a report recommending certain rules for the Government of the Library, which may be found among the files in the Secretary's office.

Rec<sup>d</sup> a message from the House by Mr. [Ambrose L.] Brown, one of its members, informing that the House had *non-concurred* with the Governor & Council in the amendment to the bill entitled "An act in addition to an act establishing a corporation by the name of the Sherburne Turnpike Company," and after assigning the reasons of the House therefor he withdrew.

Rec<sup>d</sup> for revision &c. an engrossed bill, entitled "An act entitled 'an act in addition to an act defining what shall be deemed and adjudged a legal settlement and for the support of the poor,' " &c. &c. which was read, whereupon the yeas & nays being demanded, the question "Will the Gov. & Council concur in passing said bill?" being put, was determined in the affirmative. Yeas 7. Noes 2. Those who voted in the affirmative were Messrs. Brown, Crawford, Flint, Graves, Green, Hammond, Harvey, Pettibone & Wardner. In the negative Messrs. Bell & Marsh. *Ordered* that the Secretary inform the House of &c.

*Resolved* to recede from the proposed amendment to the bill entitled "An act in addition to an act establishing a corporation by the name of the Sherburne Turnpike Company," and *Resolved* to concur in passing said bill. *Ordered* that the Secretary inform the House of such concurrence.

Rec<sup>d</sup> also "An act to incorporate the Philadelphian Society in Middlebury College," which was read, Whereupon *Resolved* to concur in passing said bill with the following proposal of amendment, to wit, Strike out the word "next" in the 4<sup>th</sup> line of the 2<sup>d</sup> Section and insert in lieu thereof the words A. D. 1835. *Ordered* that the Secretary inform the House accordingly.

Rec<sup>d</sup> also "An act in addition to an act entitled 'an act establishing an Academy at Hinesburgh,' passed Nov. 12, 1834," which was read, Whereupon *Resolved* to concur in passing said bill. Rec<sup>d</sup> also "An act to incorporate Brookfield Female Seminary," which was read, Whereupon *Resolved* to concur, with the following proposal of amendment, to wit, Strike out the whole of the last section. *Ordered* that the Secretary inform the House in both the last named cases.

Rec<sup>d</sup> also "An act to incorporate the Danville Hydraulic Manufacturing Company," which was read, Whereupon *Resolved* to *non concur* in passing said bill, and Mr. Flint to report the reasons therefor, who forthwith presented the following, to wit, "The object of the bill does not appear with sufficient certainty, but it is too general and indefinite," which were adopted. *Ordered* that the Secretary return said bill & reasons & inform the House &c.

Rec<sup>d</sup> also "An act to incorporate the Green Mountain Manufacturing cleared of their gluten &c. would hardly produce half a pound of pure raw silk.

Company," which was read, Whereupon *Resolved* to concur in passing said bill. *Ordered* that the Secretary inform the House of such concurrence.

Rec<sup>d</sup>. also "An act incorporating certain persons therein named by the name of the Boston & Vermont Iron Company," which was read, Whereupon *Resolved* to concur in passing said bill with the following proposal of amendment, to wit, add these words, "Provided that the Clerk of this Corporation shall reside & keep his office within this State." *Ordered* that the Secretary inform the House accordingly.

Rec<sup>d</sup>. also "An act to incorporate the Boston & Troy Iron Company," which was read, Whereupon *Resolved* to concur in passing said bill. *Ordered* that the Secretary inform the House of &c.

Rec<sup>d</sup>. also "An act to incorporate certain persons therein named by the name of the Champlain Marble Manufacturing Company," which was read, Whereupon *Resolved* to concur in passing said bill. Rec<sup>d</sup>. also "An act to incorporate the Rockingham Manufacturing Company," which was read, Whereupon *Resolved* to concur in passing said bill. Rec<sup>d</sup>. also "An act to incorporate the Kidder Manufacturing Company," which was read, Whereupon, *Resolved* to concur in passing said bill. Rec<sup>d</sup>. also "An act incorporating the Cavendish Central Manufacturing Company," which was read, Whereupon, *Resolved* to concur in passing said bill. Rec<sup>d</sup>. also "An act to incorporate the White River Manufacturing Company," which was read, Whereupon, *Resolved* to concur in passing said bill. *Ordered* that the Secretary inform the House in the five above cases.

Rec<sup>d</sup>. for revision &c. an engrossed bill from the House entitled "An act to incorporate the Bellows Falls Manufacturing Company," which was read, Whereupon, *Resolved* to concur in passing said bill. *Ordered* that the Secretary inform the House accordingly.

Rec<sup>d</sup>. a communication from the House by Mr. [Andrew] Tracy informing that the House refused to concur with the Gov. & Council in their non-concurrence in the bill entitled "An act in addition to the several acts relating to Highways & Bridges," and after assigning the reasons of the House for repassing said bill, he withdrew. Whereupon *Resolved* to suspend the passage of this bill until the next session of the Legislature.

The House sent back the engrossed bill, in which the Governor & Council had *non-concurred*, entitled "An act repealing an act therein mentioned," having repassed the same, Whereupon *Resolved* to recede from their non-concurrence in passing said bill, & the yeas & nays being demanded, the question "Will the Governor & Council concur in passing said bill?" being put, was determined in the affirmative. Yeas 7. Nays 4. Those who voted in the affirmative were Messrs. Brown, Crawford, Flint, Graves, Green, Hammond, & Wardner. In the negative were Messrs. Bell, Harvey, Marsh & Pettibone. *Ordered* that the Secretary inform the House of such concurrence.

Rec<sup>d</sup>. for revision &c. an engrossed bill entitled "An act in addition to an act incorporating the village of Montpelier," which was read, Whereupon, *Resolved* to concur in passing said bill. Rec<sup>d</sup>. also "An act to incorporate the Adelphi Union Society of the Burr Seminary," which was read, Whereupon, *Resolved* to concur in passing said bill. The House returned the engrossed bill, entitled "An act repealing an act therein mentioned & providing for advertisements relating to land taxes & notices," they having *non-concurred* in the amendment of the Governor & Council to said bill, by Mr. [Joshua] Sawyer, one of its members, who having assigned the reasons of the House therefor, retired. Whereupon *Resolved* to recede from the amendment, and Thereupon *Resolved* to

non-concur in passing said bill. *Ordered* that the Secretary inform the House in the above cases, and Mr. Pettibone appointed to assign the reasons for non-concurrence in the passage of the last mentioned bill.

Mr. Crawford called up the bill, which had been returned from the House, entitled "An act repealing an act therein mentioned, and providing for advertisements relating to land taxes & notices," and the same was *Ordered* to be laid on the table.

*Recd.* for revision &c. an engrossed bill entitled "An act to abolish imprisonment for debt," which was read, Whereupon *Resolved* to non-concur in passing said bill and Mr. Marsh appointed to report the reasons therefor, who forthwith presented the following, to wit, "The Governor & Council believe that the practical effect of the bill would be oppressive to the class which it is intended to relieve, by increasing the difficulty of obtaining credit. Neither the bill, nor any other law in force or contemplated, furnishes any satisfactory substitute for the security to the creditor which justice requires, and the arrest & imprisonment of the person supply. The liberal construction which the Courts of this State have given to our statute, exempting household furniture & other articles of property from attachment & execution, and the benign provision of the law, whereby any debtor may procure his discharge from imprisonment, by a surrender of his property, already answer the purposes designed by the bill, in probably as great a degree as has yet been anywhere accomplished, and in a greater degree than the bill, if passed, would be likely to effect," which were adopted. *Ordered* that the Secretary return the bill & reasons & inform the House &c.

*Recd.* also "An act in addition to an act & in alteration of an act entitled an act directing the proceedings against the Trustees of absconding or concealed debtors, passed Oct<sup>r</sup> 21, 1797," read, Whereupon *Resolved* to non concur & Mr. Marsh appointed to [give] reasons therefor. *Ordered* that the Secretary inform the House &c.

The House having repassed sent back the engrossed bill entitled "An act abolishing imprisonment for debt," Whereupon *Resolved* to recede from their non concurrence and to *concur* in passing said bill, with the following proposal of amendment, to wit, Strike out the word "next" immediately after the word "January" in the 6<sup>th</sup> line, and insert in lieu thereof the words *one thousand eight hundred and thirty seven*, and strike out the words "process, writ or" in the 3<sup>d</sup> & 4<sup>th</sup> lines. *Ordered* that the Secretary inform the House accordingly.

The House, having repassed, sent back for revision &c. the engrossed bill entitled "An act in addition to an act & in alteration of an act entitled 'an act directing the proceedings against the Trustees of concealed or absconding debtors, passed Oct<sup>r</sup> 31, 1797,'" Whereupon *Resolved* to recede from their said non concurrence in passing said bill & *Resolved* to concur in passing the same with the following proposal of amendment, to wit, Strike out the *proviso* to the 2<sup>d</sup> section & insert in lieu thereof the following, "Section 3<sup>d</sup>. It is hereby further enacted that this act shall not take effect until the first day of January one thousand nine hundred & thirty-five." *Ordered* that the Secretary inform the House accordingly.

The House returned the two foregoing bills, not having concurred in the amendments proposed by the Gov. & Council, by Mr. [D. Azro A.] Buck, one of its members, who, having assigned the reasons of the House therefor, withdrew. Whereupon *Resolved* to suspend the passage of the bill entitled "An act abolishing imprisonment for debt," & also of the bill entitled "An act in addition to and alteration of an act directing the proceedings against the Trustees of concealed or absconding debtors, passed Oct<sup>r</sup> 31, 1797," till the next session of the Legislature. *Ordered* that the Secretary inform the House in both cases. Adjourned to 6 o'clock tomorrow morning.

WEDNESDAY NOV. 11, 1835. 6 o'clock A. M.

The L<sup>d</sup> Governor & Council met agreeably to adjournment. Rec<sup>d</sup> a message from the House of Representatives by Mr. [Rowland P.] Cooley, one of its members, informing that the House had, on their part, finished the business of the session, and were ready to meet the Governor & Council, in the Representatives' room, to adjourn the Legislature without day. *Ordered* that the Secretary inform the House that the Governor & Council will immediately attend in the Representatives' room for the purpose of adjourning the Legislature without day.

The Governor & Council attended in the Representatives' room, when, after prayer by Rev<sup>d</sup> Chester Wright, the Sheriff of Washington County, by direction of His Honor the Lieutenant Governor, adjourned the General Assembly without day, after which the Governor & Council returned to their Chamber, and the Lieutenant Governor having called the Council to order, Mr. Marsh introduced the following resolution, to wit, "Whereas doubts have been suggested, and are entertained, by divers judicious persons, touching the power of this Council to elect a Governor for the year ensuing,<sup>1</sup> and Whereas this Council doth believe that the Lieutenant Governor is, by the constitution & laws of this State, fully empowered, as in case of the ordinary personal absence of the Governor, to do and perform all manner of official duties which the Governor, if duly elected and present, might perform, and whereas the Council sees no cause to believe that the public interests will sustain any detriment by reason of the vacancy in the chief executive office, Therefore *Resolved*, as the sense of this Council, that it is inexpedient to proceed to elect a Governor at this time," which was read, Whereupon *Resolved* to concur in passing said resolution.

The Governor & Council were pleased to appoint Geo. B. Manser Secretary to the Governor & Council for the year ensuing, who was duly sworn.

The Governor & Council then Adjourned without day.

STATE OF VERMONT ss.—The foregoing, from page 205 to page 286 inclusive [of manuscript record of the Governor & Council, Vol. 12.] is a true journal of the proceedings of the Governor & Council at their annual session in the year 1835. GEO. B. MANSER, *Secretary*.

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#### THE END

Of the records of the COUNCIL OF SAFETY of Vermont, July 8, 1777, to March 12, 1778; and of the GOVERNOR AND COUNCIL, March 12, 1778, until October 13, 1836, when the SENATE succeeded to the COUNCIL.

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<sup>1</sup> See *ante*, p. 220, note 2.

## APPENDIX A.

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### GOVERNORS' SPEECHES TO THE LEGISLATURE—1831-1834.<sup>1</sup>

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#### SPEECH OF GOV. PALMER—1831.

*Gentlemen of the Council, and Gentlemen of the House of Representatives:*—No choice of Chief Magistrate having been made by the people, I have been called to the discharge of the important duties connected with that office, by a majority of your suffrages. Deeply sensible of the honor conferred on me, and the responsibilities attendant upon its acceptance, it is proper for me as well to give the assurance, that all my abilities shall be brought to a prompt and efficient exercise of the functions of my office, as to express the wish, that they may be so performed as to merit and receive the approbation of those, whose servants we all are.

The circumstances, under which I have been called to my present station, have afforded me but little time for the collection of such information, and the suggestion of such recommendations as are proper, at the present time, to be presented for your consideration.

The general condition of our common country is that of peace, prosperity and happiness. Compared with any other people, we have the most abundant cause for grateful acknowledgments to the Author of all good, that our lot has been cast here. The evils to which we are subject are light and transient in their character. The conflicts of opinion incident to a free government produce sometimes, indeed, contentions and divisions which are for the time alarming and portentous in their aspect; but they are generally of short duration, and when they have passed away, like the commotion of the elements, leave a clearer sky and a purer atmosphere. They present no serious obstructions in our march to national happiness and glory. Other nations have witnessed this, and are profiting by the example. It is indeed a source of just and honest pride to every American, that the old world is already experiencing the progress of republican principles, as taught in the school of our revolution, and is gradually yielding to the dominion of public opinion.

In guarding against evils which threaten our free institutions, a special regard should be paid to that great principle incorporated in our Bill of Rights, which declares "that government is, or ought to be, instituted for the common benefit, protection and security of the people, nation or community, and not for the particular emolument or advantage of any

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<sup>1</sup> In 1835 there was no annual message, no Governor having been elected.



single man, family or set of men, who are a part only of that community." This principle constitutes the basis of every free government, and whatever tends to impair this "common benefit, protection and security," and to destroy this equality, tends to its subversion.

The approbation uniformly expressed by the people of this State of the policy of a protecting Tariff, and the encouragement given to works of Internal Improvement by the general government, cannot fail to produce in us a hearty co-operation in suitable measures for the promotion of those great objects.

In attending to the various and important duties assigned us by the constitution, it behoves us to examine with great care the measures which may be presented for our consideration. It is proper, especially, to compare those which are new, with the provisions of the constitution and existing laws, carefully guarding against encroachments on the rights of any portion of the people; and while we protect those rights, entrusted more particularly to our guardianship, not to infringe those of a more general and important character, pertaining both to other members of the confederacy, and to the confederacy itself.

The subjects which more immediately require our attention, on the present occasion, are, such improvements and alterations in the existing laws, and the passage of such new ones, as experience has proved to be important and necessary, and called for by the changes in the condition of society—a vigilant superintendence of the fiscal concerns of the State, as it respects both the just levy and prudent expenditure of the public taxes—the improvement of the various channels of communication between the different parts of the State and with other States—the promotion of trade, agriculture and manufactures—the appointment to office of men who are discreet, honest, capable, and unshackled by any earthly allegiance except to the constitution and laws—a due regard to the state of the Militia, and a watchful care over the condition of our common schools and literary institutions. There are several topics, however, to which I wish more specifically to direct your attention.

The power which, under existing laws, the creditor claims and exercises over the body of his debtor, has always appeared to me to be inconsistent with the mild policy of our laws and the free and liberal spirit of our institutions, and especially at variance with that clause of our constitution which provides that "the person of the debtor, where there is not strong presumption of fraud, shall not be continued in prison after delivering up all his estate for the use of his creditors." It is true that difficulties exist in regulating the details of a system calculated to secure to all the just rights belonging to each; but it is believed that the wisdom of the legislature can devise some plan which shall give relief to a class of community, whose claims to our attention are founded in the first principles of benevolence and justice.

The administration of oaths is a subject of the deepest importance to every government, and cannot fail, consequently, to command your especial attention. The influence which they exercise over the human mind, renders it of the utmost importance that they should be resorted to, only for the attainment of proper objects; and I submit to your consideration whether their administration should not be prohibited by law, except when necessary to secure the faithful discharge of official trusts, and to elicit truth in the administration of justice. I submit also to your consideration whether the cause of morality, and the general good, do not demand your interposition to diminish the frequency of their imposition even for the above purposes.

The condition of the state prison will also engage your attention. By a law of this state, passed in 1829, commissioners were appointed and

authorized to expend a sum not exceeding nine thousand dollars, in erecting an additional building for the accommodation of the prisoners, and to make alterations in the buildings already erected. It was expected that the expenditures incurred to carry the object of the law into effect, would be taken out of the prison funds belonging to the State. I have the pleasure to inform you that the buildings and alterations contemplated by said act have been completed without incurring any additional expense to the State. The rules and regulations established for the government of the convicts have been so altered, that solitary confinement has been introduced in all cases except when the convicts are engaged in labor. I have long entertained the opinion that this mode of conducting the prison is the only one calculated to attain the benevolent objects of the penitentiary system; and that, without it, the system would fail to produce the effect on this unfortunate and degraded class of community so ardently desired by its friends.

Should anything of sufficient moment to demand your attention, not already referred to, suggest itself to my mind hereafter, it will be made the subject of a special communication.

With feelings of gratitude for the measure of prosperity and happiness vouchsafed to us by a kind Providence, who has watched over our concerns for good, let us all strive to improve the blessings bestowed upon us, both as a people and as individuals, as the best means of securing them to ourselves and our posterity.

WM. A. PALMER.

Montpelier, October 18<sup>th</sup>, 1831.

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SPEECH OF GOV. PALMER—1832.

*Gentlemen of the Council, and Gentlemen of the House of Representatives:*—The freemen having a second time failed to elect a Chief Magistrate of the state, I have again been called to the discharge of the duties of that office by your suffrages. I accept the important trust with that gratitude which is due to such distinguished confidence, with that diffidence which is fearful to do wrong, and with that solicitude which is inseparable from a sincere desire to do right.

At this enlightened age of the world, the criteria for judging of rulers are their *measures*,—not their *professions*. A candid, upright and honorable course, then, is the only way to ensure the approbation and support of their constituents.

Government is instituted for the common benefit of all; and is in its nature a concentration of the public opinion to a certain form of public rule. This may be supported in a government of force, by terror; but in a republic, by patriotism, knowledge and public virtue. To sustain this attachment, the powers of the government must be so exerted as to secure to all, as far as is practicable, by general laws well executed, the enjoyment of the various gifts which God has bestowed upon them. Where the laws secure to every man the right to acquire and hold property, the desire to accumulate wealth, by fair and honest means, is compatible with, and inseparable from patriotism. Enterprise and industry are in the class of public virtues, because they are the unfailing sources of wealth and power to a nation.

Knowledge and virtue, then, are the main pillars of a republican government, and the only permanent basis upon which they can rest is education. The venerable founders of our government were well aware of this great truth, and therefore declared in our constitution that "a competent number of schools ought to be maintained in each town for the convenient instruction of youth, and one or more grammar schools

be incorporated and properly supported in each county in this state." It becomes your duty, as guardians of the public welfare, to inquire whether the good intentions and wise policy of our forefathers have been carried into effect in the various parts of the state from whence you come, and to provide that the means of education should be widely extended, and cheaply and easily afforded to every class of our citizens.

As commander in chief of the militia when not in the actual service of the United States, it will not be considered improper to make a few suggestions on that subject. As a frontier State we are more interested in an efficient organization of the militia than those States more remote from immediate attacks. From our infancy we have all been taught the danger to be apprehended in a republic from a standing army. History is full of instruction on this subject, and warns us, in language too glowing to be unfelt and too plain to be misunderstood, to beware of the danger.

To preserve the forms of war and the principles and feelings of military discipline, some regular troops are necessary ; but our main defence must rest with the militia. They are our safeguard against internal commotion and a shield against sudden invasion from external enemies. The soil must be protected by its owners, and this must include all, because all have a right to acquire estates in fee simple.

For the acquisition of military knowledge schools have been established in different parts of the country, where the theory may be acquired, and much useful information obtained ; but these are not the only measures necessary in a country like ours to keep up a proper spirit in the militia against the time of difficulty and danger, from which no country can expect to be exempt in the present state of the world. On the militia must we depend to meet the first advances of an enemy ; yet little benefit will be realized unless they are well armed, equipt and trained ; which must be attended with no inconsiderable expense of time and money. Is it just to require the services of so large a portion of our citizens and subject them to the expense of equipment and training without some equivalent ? Is it just that they should bear a burden not borne by the other citizens of the State, and at the same time be compelled to contribute an equal proportion with others to the general expense ?

Each State in the union has the same interest in the discipline of the militia of the other States as in its own ; there can be no impropriety, therefore, in considering this as a subject of national concernment, interesting to all. I submit then to your consideration whether you will attempt to prevail on Congress to adopt some general system, by classification or otherwise, to improve the state of the militia generally, or whether you will give your attention to your own state alone. To neglect this subject seems to be alike incompatible with the public safety, and inconsistent with the wisdom of the Legislature.

We have every reason for gratitude to a kind Providence for the unusual measure of health enjoyed by the citizens of this state during the past year. A fearful and deadly malady has been raging in the neighboring Canadian provinces and in some of the adjoining states, which has carried death and desolation in its train. Much alarm has been felt by our own citizens lest this scourge of the human race should reach us ; but with very few exceptions our people have been exempt from this terrible disease. During the past summer, I have been applied to by various respectable individuals in different parts of the State, and by some public bodies, to establish and enforce such regulations on the frontiers of this State as would tend to secure our citizens from contagion from abroad. I did not feel myself authorized to adopt such regulations

as the applicants desired, no law of this State empowering me to do so. Should the Legislature think proper to adopt quarantine regulations, they will pass the necessary laws to carry them into effect.

Since the last session, the President has refused his assent to a bill passed by Congress, rechartering the Bank of the United States. Those who remember the deranged state of the currency at the close of the last war, may anticipate a like derangement should a recharter be finally refused and the bank be obliged to close its concerns. Much embarrassment, it is apprehended, will be produced in the mercantile community by calling in so large a portion of the capital engaged in commerce as is due to the bank. Though comparatively little of this sum is due from the citizens of this state, and therefore little trouble is to be apprehended here on that account, yet it is believed that a great majority of the people of this state are in favor of a recharter, from the consideration that the Bank has exercised a salutary influence in equalizing the currency of the country, and in preventing many of the state banks from suspending specie payments. It is submitted whether any action of the Legislature, on this subject, would be productive of beneficial consequences.

Nothing has occurred to disturb the peaceful relations of our country with foreign powers, and we may be permitted to indulge the hope, that no aggression on their part or injustice on ours will intervene to change these relations.

Our relations at home have not been equally fortunate. Disturbances have occurred on our western border resulting in war with a band of the Indians, which has been attended with the usual accompaniments of savage warfare, and has produced scenes afflictive to community. The active operations of the war have terminated in the capture or destruction of most of the enemy, yet consequences deeply injurious to our frontier settlers may ensue and continue for years to come. Our relations with these unfortunate tribes, the remnant of a once powerful people, it is feared, have not always been so conducted as to leave favorable impressions on their minds with regard either to our justice or humanity.

At the last session of Congress, the law regulating the Tariff of duties received such a modification as was thought by its friends would soothe the jealousies of the South, and disarm the opposition which has been exhibited in that section of the Union; but from recent manifestations of public feeling in that quarter, we have much reason to fear that the party claiming the extraordinary right to nullify any law of Congress, which, in *their opinion*, has not been passed in strict conformity to the provisions of the constitution of the United States, will result either in immediate civil commotion, or a separation from the other members of the confederacy. Whatever may be the points of difference between parties in this government, in this they will all undoubtedly agree, that in union alone is there any adequate security for our liberty. It is indeed not less essential to the existence of our confederated government, than is the principle of gravitation to the harmony of the material universe. From time immemorial the successful maxim of ambition has been to "divide and conquer"; but cemented as our union now is by excellent federal and state constitutions, yet if the invisible hand of foreign influence, or deep-rooted domestic prejudices and animosities, or the more fatal projects of unprincipled and vaulting ambition should obtain an ascendancy, we should too late discover that the loss of union is the irretrievable loss of our liberties.

I feel it my duty to present again for your consideration a subject to which I briefly alluded at the last session. It is that relic of a dark age and a barbarous code, imprisonment for debt. I cannot permit the occasion to pass without manifesting my decided disapprobation of this dis-

cordant feature in our statutes, and expressing the opinion that it is inconsistent both with the spirit of our laws and the constitution of the state.

I cannot, moreover, let the occasion pass, without again calling your attention to the imposition and multiplication of oaths, and would renew the recommendation on that subject contained in my communication of last year.

In selecting such officers as are necessary to be appointed by the General Assembly, you will not fail to keep constantly in view that article of our constitution, which recommends a frequent recurrence to fundamental principles, and a firm adherence to justice, moderation, temperance, industry and frugality, as absolutely necessary to keep government free.

In pursuance of a resolution of the last session, authorizing the Governor to appoint a suitable person to investigate the question whether the lands in the town of Wheelock, granted by this State to Moor's Charity School, are not forfeited, I appointed the Hon. Asa Aikens of Windsor, to make the investigation. His report, as soon as received, will be laid before you.

It will be the duty of the General Assembly to appoint, at the present session, a Senator to serve this state in the Congress of the United States, for six years from and after the fourth of March next.

Any communications which have been, or may be, received by me, and which are proper to be laid before you, shall be communicated in due season for the action of the Legislature.

In conclusion, permit me to express the hope that the different branches of the government may act together in harmony—that a spirit of mutual forbearance and good will may characterize our proceedings, and that we may all strive to merit, in the discharge of our several functions, the confidence and approbation of our constituents, and the smiles of a gracious Providence, without whose aid all our efforts to advance the public good, however well intended, will prove fruitless.

WM. A. PALMER.

Montpelier, October 19, 1832.

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#### SPEECH OF GOV. PALMER—1833.

*Gentlemen of the Council, and Gentlemen of the House of Representatives* :—Having been elected by the suffrages of the independent free-men of this State, to the office of Chief Magistrate, I accept the trust confided to me, with a grateful sense of the honor which such an expression of public confidence confers, and a deep conviction of the responsibility which it imposes.

The occasion of our assembling cannot fail to remind us of the source of our authority. The government we are called to administer is the government of the people, and the power it confers upon us as their constituted agents, involves the high responsibility of expressing their will, and laboring to promote their welfare. The just extent of those powers, and the best means of their beneficent exercise should become, therefore, the subjects of our deep and anxious deliberation.

Coming, as we do, from the midst of the people, we have the best means of knowing their wants—of understanding their interests, and of perceiving the operation of existing laws, and the necessity which experience many have suggested for their modification. In discharging our duties as Legislators, we shall find it necessary to guard against a spirit

of innovation on the one hand, and a blind adherence to precedent on the other.

The judiciary department of the Government will always claim the first regard of the Legislature. Upon the wisdom and purity of that department, all the most valuable possessions in civil society depend. In all countries, the principles and feelings of the magistrate ought to accord with the principles of the government ; this is necessary, to give it energy. In a State, where an enquiry by grand juries and trials by petit juries are fixed by the constitution as the strong barriers of the people's rights, the modes of punishing crimes and enforcing private claims are always expensive and sometimes attended with inconvenient delay. A cheap, ready, and plain manner of obtaining remedies for wrongs and compelling the execution of contracts by fixed and established rules, and without unnecessary delay, forms the distinguishing feature of a good government. There is no doubt but that improvements may be made in the jurisprudence of the State, and therefore, the attention of the Legislature will be directed to it.—But in all alterations of the laws, a sacred regard to the constitution, and such a degree of perfection and permanence as will render them respectable, ought to be kept steadily in view.

The great improvements in Agriculture—the increase of Commerce, and the progress and encouragement of the Arts, in our country, furnish the most satisfactory proof of the excellence of our political institutions ; but the path of public as well as private prosperity ought to be trodden with care. Governments which depend in so great a measure for their due execution on the will of the governed, so frequently expressed by their suffrages, demand for their preservation, great intelligence in the body of the people. To maintain this, our institution of Common Schools, is admirably adapted ; those, with our Academies and Colleges, are rendered indispensable by the nature of our government, and will claim the constant attention of the Legislature for their support and encouragement.

The views which I have heretofore expressed to the Legislature on the subjects of the Militia, of the multiplication of Oaths, and of Imprisonment for Debt, remain unchanged : and I refer to those important objects, as deserving your particular attention.

On the subject of the Militia, if nothing more should be done at the present session, I would suggest the propriety, and even the necessity, of revising the laws on that subject, making such alterations and amendments as will do away those difficulties in their execution, which have been found to exist, and that each field officer and captain of a company in the State be furnished with a copy at the public expense, to be distributed in the same manner as the public laws and journals are distributed.

By an act of the General Assembly, passed at their last session, it was made my duty to appoint three suitable persons as a committee, to fix on a place, in Montpelier, for the erection of a State House. In obedience to the provisions of this act, I appointed Samuel C. Crafts of Craftsbury, Allen Wardner, of Windsor, and George T. Hodges, of Rutland, to fix the place for a new State House, and to prepare a plan for the same. Their report on the subject is herewith laid before you. By the same act, it was also made my duty to appoint some suitable person or persons as a committee to superintend the erection of the State House, agreeably to the plan adopted by the locating committee. To this service I appointed Lebbeus Egerton, of Randolph, whose report of the progress of the work thus far will be laid before you.

In pursuance of a resolution of the General Assembly adopted at their

last session, requesting me to open a correspondence with the Governor of Lower Canada on the subject of removing the obstructions at the outlet of Lake Champlain, near St. Johns, in Lower Canada, I addressed a letter to that officer on the subject, enclosing sundry affidavits tending to establish the existence of the evils complained of. I have received the answer of the Governor, with a number of affidavits and documents, relating to the same subject. This correspondence, with the papers relating to it, will be laid before you.

In pursuance of another resolution of the General Assembly, adopted at their last session, requesting me to enter into such negotiations with the Governor of Lower Canada as would conduce to the removal or lowering of a dam erected at the outlet of Lake Memphremagog, in the province of Lower Canada, so that the waters of the Lake may recede to their original level, or take such other measures as would remove the nuisance complained of, I addressed a letter to the Governor of Canada, on the subject, to which I have received an answer, assuring me that prompt measures would be taken to inquire into and remove the obstructions referred to, and I have no doubt, the difficulty will be satisfactorily adjusted.

When we reflect that the United States are in possession of numerous blessings—political, civil and religious—many of which are not enjoyed by other nations—that we are remote from the troubles which frequently agitate the old world—that we enjoy the uncontrolled right, on the true principles of liberty, to form, alter, and carry into effect, our federal and state constitutions—that founded on them and on law, there exists a spirit of toleration, securing to every one, the undisturbed rights of conscience and the free exercise of religion—that the people, at fixed periods, have the choice of their rulers, and can remove them when they do wrong—that the means of education in all branches are liberal, general, and successful—that there is no place where the means of subsistence are so easily procured, or where the road to comfort, to wealth, or honest fame is so open—that the national resources and powers by proper management and arrangement, may render our country invincible—that by our husbandry, commerce, manufactures, and mechanic arts, the resources and wealth of the nation almost surpass belief—let us not be prompted by imprudent zealots of any description to hazard the loss of all or any of these inestimable blessings, but let us secure them forever, with the aid of Divine Providence, by rallying around the standard of the Constitution, and encouraging a true national spirit, on the solid foundation of peace, order and concord.

That we may in some measure be instrumental in promoting for ourselves and our constituents the benefits of a good government, let us encourage that watchfulness over the conduct of our rulers which is calculated to teach them a just responsibility in their several stations, exercising all that indulgence towards honest differences of opinion, which the full and complete enjoyment of all the blessings of a free government render necessary; may we all for the present session, and for the period for which we are elected, be directed to the adoption of such wise and beneficial measures as will promote the public happiness.

WILLIAM A. PALMER.

Montpelier, Oct. 12th, 1833.

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#### SPEECH OF GOV. PALMER—1834.

*Gentlemen of the Council, and Gentlemen of the House of Representatives:*—Being again called to the office of Chief Magistrate of the State, by a majority of the suffrages of the General Assembly, I accept the

trust confided to me, and will use my best endeavors to discharge the duties incumbent on me, for the good of the State, and the interests of the people.

The Constitution enjoins upon the Governor and Council to take care that the laws be faithfully administered, and to carry into execution such measures as may be resolved upon by the General Assembly. Very few of the Executive powers of our Government are entrusted, solely, to the Chief Magistrate; but, on the contrary, are entrusted to certain officers, who, from their appointment, and the nature of their duties, appear to be exempted from executive direction or censure.

In the financial department, a vigilance in the executive over subordinate officers, who may be in any way employed in receiving and paying over public monies, seems more important. The necessity of any particular attention to this, by the Executive, is however superceded by the laws already in force, by which it is made the duty of all subordinate officers, connected in any way with the collection of revenue, to make annual settlements with the head of the treasury department. An annual settlement is also to be made with the Treasury Department, with a full and fair statement of the accounts, together with the balances due, to be laid before the General Assembly at their October session. By the foregoing provision in the law, any call of the Executive on the Treasury department, for the information of the General Assembly, is rendered unnecessary. Some attention to this subject by the legislature may be attended with beneficial results.

Our duty as legislators is to provide wholesome laws for the promotion of virtue, happiness and prosperity among the people, upon whom the laws are to operate. One of the important ends of all government is, to teach each individual of the community the necessity of self-government.

When we reflect on the vast influence of the laws in moulding and forming the manners, habits and virtues of a people, and that this influence, in our own case, is to exert itself on little less than three hundred thousand individuals, the business intrusted to us assumes an importance demanding our highest efforts to render such influence salutary in its operation. That such has not been the case in all countries, has arisen from the irresponsibility with which the powers of government have been exercised by their rulers—an irresponsibility growing out of the mistaken and anti-republican doctrine that those powers were exercised by men in their own right, and not in the right and for the good of the people. Under such circumstances is it to be wondered at that the laws, instead of being calculated to promote the general welfare, should be wrested to the purposes of individual aggrandizement?

Our government is happily so organized that the duty and interests of the lawgiver are necessarily identified with the rights and interests of the community, and under such circumstances of responsibility as to compel him to feel less sympathy for the ruler than the ruled. From these considerations it would seem that nothing but a great degree of ignorance or depravity could induce those who are employed in making and executing the laws, to be forgetful of the rights and interests of their constituents; and it behoves us, in the prosecution of our important duties, to keep these great principles of republican freedom constantly in view, and not to flatter ourselves that the people have become either so ignorant or disregarding of their just rights as to sanction or submit to any attempt to impose upon their ignorance or credulity.

The sentiments, in regard to public worship, religion, and morality, interwoven with our constitution, as far as our limited knowledge can extend, have had great influence on the people. These circumstances,



under our established form of government, excluding as it does all persecution and intolerance in matters of religion and modes of worship, give to our state an honorable station in the view of the enlightened part of the world.

The principles and precepts of the gospel, if improved for religious and moral purposes only, will always make good men, and by consequence, good citizens. Upon the religious and literary institutions of the state, our happiness as a people essentially depends. While, therefore, that freedom of opinion, and those rights of conscience, which are recognized in our constitution, are sacredly maintained, the legislature will not fail to give every suitable encouragement to their support.

Permit me again to call your attention to the subject of the Militia. Unprepared to enter into details, my observations must be general. However some may esteem it, the militia is the great depository of our liberty and independence—it is the first and last hope of our country. Let the militia become and remain inefficient, and our transition to despotism will be gradual, perhaps, but inevitable.

Previous to the revolution, the greatest care was taken to keep the militia in an unorganized and inefficient state. In most of the then British provinces patriotic exertions were made, but with little effect, to counteract this slavish policy; the provincial governors, generally opposed to the interests of the people, appointed the militia officers subservient to their own views. When, however, war with the mother country became inevitable, one of the first and most important measures adopted was the reorganization of the whole body of the militia; and since that period most of the states have paid a marked and laudable attention to the subject. The result has in many instances done honor to the government; the measures adopted have excited a martial spirit, which merits every attention and encouragement.

The materials composing the militia are independent and aspiring citizens, whose fearless spirit never was, and with confidence it may be said, never *will* be, subdued by foreign domination. They will sooner, by far, nobly perish on the field of battle, than surrender their beloved country—the birthright of themselves and those most dear to them, to an inexorable and haughty invader. Such materials for soldiers are not exceeded in any other country; and is it proper or expedient to let them remain unimproved, when they are so vitally important to our existence as a free people? And is it sound policy to continue to neglect the discipline of the militia—suffer the military ardor heretofore existing among the yeomanry, which has given us a name among the nations, to languish and expire? Or shall an effort be made to secure a proper organization of the militia, and foster a military spirit among the people? I therefore earnestly recommend the subject to your careful consideration and control, but hope that the present occasion will not pass without the adoption of some measure calculated to promote the object in view.

During the past year there has been much agitation on the subject of the United States bank, and the measures of the national executive in relation to it. The questions of principle involved in the controversy are of vast importance to the interests of the nation, and require to be discussed and decided with reference both to the present convenience and necessities of the people, and also to their influence upon the future destinies of the country. An institution, like that of the bank of the United States, necessarily possesses powers which, if exercised for good, as they ever should be, are most beneficial in their operations, and if exerted for evil, are of a nature the most pernicious. If such an institution, therefore, be demanded to meet the wants of the community, the utmost caution should be observed in framing the provisions of its char-

ter—the most effectual checks placed upon its power—and the most watchful vigilance exercised with regard to its conduct. That a national bank, with proper powers and restrictions, is both necessary and constitutional, I do not doubt. I deem, however, the charter of the present bank exceptional in several of its provisions, and am opposed to its renewal in its present form. Its conduct in some respects I consider justly liable to censure; yet I cannot regard that as furnishing any justification of the executive proceedings in relation to it, some of which I deem pernicious in their consequences and altogether unwarrantable.

The public mind has been much agitated in relation to certain abuses and assumptions of power on the part of the national executive. It will be sufficient for me to say, in connexion with this subject, that too much vigilance cannot be exercised, either on the part of the people or the state legislatures, with respect to his patronage and power. A manifestation by him of the least disposition either to overstep the bounds of the constitution and laws or to exercise those powers which he legitimately and constitutionally possesses, for purposes not within the scope of his duties, should be met and resisted, on the threshold, as the beginning of tyranny.

At the last session of the General Assembly, a resolution was passed, requesting me to renew the correspondence with the Governor General of the British Provinces, upon the subject of obstructions at the outlet of the waters of Lake Champlain, and to solicit that a commissioner or commissioners be appointed to act in conjunction with commissioners appointed on the part of this state, to ascertain, if practicable, the true cause or causes, of the overflowing of the lands in this state, on the margin of Lake Champlain and its tributary streams, and the extent of the evils complained of. In pursuance of the request expressed in that resolution, in February last I addressed a letter to the Governor General of the British Provinces in North America, on that subject, requesting the appointment of commissioners on the part of the government of Lower Canada, to meet such as were appointed on the part of this state, for the purpose of carrying the object referred to into effect, but have received no answer from the Governor, or any of the authorities of that government.

At a period of uncommon agitation and embarrassment, it is among the important duties required of us, to soar above local and partial views—to cherish and inculcate a disinterested spirit, and to secure, by every possible means, the blessings of liberty to ourselves and our posterity.

It only remains with me to assure you that I shall, in all things, heartily co-operate with you, in the necessary measures to promote and ensure the general welfare.

WM. A. PALMER.

Montpelier, Oct. 13, 1834.

## APPENDIX B.

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### BOUNDARY LINE BETWEEN VERMONT AND NEW HAMPSHIRE.

*Whereas*, doubts having arisen respecting the boundary line between this state and the state of New-Hampshire—the said state of New Hampshire having claimed to hold jurisdiction of some portion of our state—and having at divers times given charters of incorporation to divers companies for mills, bridges, canals and machinery, within, as it is supposed, the jurisdiction of this state ;—and whereas the legislature of this state, at the session thereof in 1830, passed a resolution making it the duty of the governor to appoint commissioners to join such as shall be appointed by the governor of New-Hampshire, upon request, whose business it shall be to ascertain the true line and boundary between said two states, and report their doings to the legislature of this state, at the present session ;—and whereas, the governor of this state did make known the aforesaid resolution to the government of New-Hampshire, as requested, and the said government of New Hampshire have neglected to make the appointment of commissioners on their part, but on the contrary the said legislature of the said state of New-Hampshire, at the last June session thereof, did resolve not to appoint commissioners, and that no measures should be taken to ascertain the true boundary line between the said states—

*Resolved, therefore*, The governor and council concurring herein, That a committee be appointed, consisting of one member from each of the counties of Windham, Windsor, Orange, Caledonia and Essex, to be joined by a councillor from one of those counties, whose business it shall be to inquire as to the number of chartered companies incorporated and in operation on said [Connecticut] river—where located, and whether incorporated by this state or the state of New-Hampshire—the amount of tolls thereat ; and also to inquire as to the boundary line between the said states, and the claims hitherto made by each or either of said states as to territory or jurisdiction ; and report by bill or otherwise.

The foregoing was introduced into the General Assembly of 1831, by the late Peter Burbank of Newbury, adopted, and the following named gentlemen appointed as the committee on the part of the House : Peter Burbank of Newbury, Wylls Lyman of Hartford, Lemuel Whitney of Brattleboro, Jacob C. Morrill of Sutton, and Horace Hubbard of Guildhall. The Council concurred, and appointed Councillor Cobb to join. This is one among other inquiries instituted as to the boundary line

between New Hampshire and Vermont, one of which was in 1792, and as in this instance only the results were fully stated, it is deemed advisable to give and preserve the following

## REPORT :

*To the General Assembly, now in session :—*Your committee, to whom was referred the subject of the within resolution, having had the same under consideration, respectfully beg leave to report, that the most authentic evidence which your committee have been able to obtain in relation to the original boundary line between the two states, referred to in the resolution, is derived, not from the charters originally given, (your committee not having been able to gain access to said charters,) but from the copies of records hereto annexed, marked A., manifesting an order or decree of King and Council, in the year 1764, by which it appears that the State of New-York, as then chartered from the Province of Massachusetts, to the 45<sup>th</sup> degree of north latitude, should extend to the western bank of Connecticut River ; and that said western bank should be the boundary line between these two states, then known by the names of the Colony of New-York and the Colony of New-Hampshire. And here your committee feel themselves called upon to remark, that in describing the boundary aforesaid, no other description is given than the western bank of said river, without specifying at what point upon said bank, whether at high or low water mark, or whether at the middle of the deepest channel, which is understood by your committee to be the place where the bank of the river begins, though some portion of said bank may be covered with water.

Your committee would further report, That for many years previous to the year 1790, the State of Vermont, though not then admitted into the Union as a State, claimed to hold jurisdiction over several towns on the east side of said river, and that the legislature of this state, in the exercise of their right to such jurisdiction, met and held their session of the legislature of the state of Vermont, at No 4, now Charlestown, New-Hampshire,—the state of New-Hampshire then disputing such right, and probably claiming to hold said town of Charlestown under her own jurisdiction.

Your committee further report, That the towns in the state of New-Hampshire are bounded on the bank of said river, not in any instance including lands covered with water—leaving the said river, as your committee presume, common to the citizens of both states.

Your committee further report, That the legislature of the state of Vermont, acting on the conviction that the bed of Connecticut River was a highway, for the mutual accommodation of the citizens of the states of Vermont and New-Hampshire, have, on various occasions, passed acts regulating the navigation of said river ; and one in particular, in the year 1797, which made it highly penal for any person to take up, stop or detain any timber which should be found floating down said river,—which act still remains in force,—while the legislature of the state of New-Hampshire, not conceding to the state of Vermont the right to a concurrent jurisdiction over the bed of said river, have taken no measures to determine the title to said jurisdiction—have been satisfied to pass acts, which, in their opinion, have conflicted with acts passed by this legislature.

Your committee, therefore, feel strongly impressed with the conviction, that the exclusive right to the bed of Connecticut River, is not vested either in the state of New-Hampshire or Vermont ; and that it is both the duty and the interest of each of said states, that measures be

adopted finally and speedily to quiet and settle a question of so much importance to the citizens of said state.

Your committee further report, That there are dams erected for the purpose of mills, in the towns of Ryegate, Barnet, Dalton, Guildhall and Stewartston, all of which were erected by virtue of charters by the legislature of the state of New-Hampshire.

Your committee further report, That there are bridges across the river from the several towns in New-Hampshire of Lancaster, Dalton, Littleton, Bath, Haverhill, Piermont, Orford, Hanover, Plainfield, Lebanon, Cornish, Charlestown, Claremont, Walpole and Chesterfield, to the western shore of the river in Vermont,—all of which have been built, and the proprietors authorized to take tolls in pursuance of charters emanating from the legislature of the state of New-Hampshire.

On the subject of the amount of tolls, yearly collected at the bridges thus located on the river, your committee have no certain means of information; but from the *best* information which we have been able to obtain, the yearly tolls amount to about 25 per cent. on the original expense of erecting said bridges; and it is believed that the tolls yearly taken at the bridge of Bellows Falls amounts to nearly 50 per cent. of the expense of erecting said bridge.

Your committee further report, That there are locks and canals for the purpose of rendering the river at that place navigable by the falls at that place; which locks and canals were erected by the company incorporated by the legislature of the state of New Hampshire, about thirty years since, which authorized their erection, with power to the grantees to take tolls, for the term of twelve years,—providing, however, that the said company should keep a road passable by said falls, and should not otherwise impede the navigation of said river;—by virtue of which charter, the proprietors thereof did, on or about the time of procuring said act of incorporation, erect and put said locks in operation, and did establish the tolls to be received at said locks at one dollar per thousand on all lumber and timber which should pass the locks—which rates of toll have been continued to the present time,—the said company not furnishing any road or other means of conveyance by said falls.

Your committee further report, That the expense of erecting these locks could not, in their judgment, at this time exceed \$15,000; and it is believed that the tolls thereon, for many years last past, including the income of mills and machinery connected with said establishment, amount at least to \$6,000 per annum.

Your committee further report, That the said company having exacted high and unreasonable tolls to the oppression of the people, the corporation is indicted as a common nuisance, and stands to be tried at the November term of the supreme court in the county of Grafton, and state of New-Hampshire.

Your committee further report, That there are other locks and canals built in this state, and in operation, by virtue of a charter granted by the legislature of the state of New-Hampshire, allowing them to take tolls, which is at the control of the supreme court of the state of New-Hampshire, subject to be regulated from time to time, as said court shall direct, and now established for the time being at 25 cents per ton on all lumber and timber.

At Bellows Falls there are also locks and canals now, and for many years past, in operation, and necessarily passed by all who navigate the river,—there being no other safe mode of conveyance at said falls. These locks and canals were constructed in pursuance of a charter granted more than 40 years ago, empowering said grantees to take 10 cents per ton for all lumber which should pass said falls. Since the first

building, the company owning said improvements have obtained divers grants of the legislature of the state of Vermont, allowing them, for short periods, more and larger tolls than by their act of incorporation they were authorized to receive.

In the year 1817, the company obtained from the legislature of this state an act authorizing them, for the term of fifteen years, to establish such rates of toll as said company, in their discretion, should deem best. By virtue of which acts, they raised their tolls to seventy cents per thousand on all lumber and timber which should pass their locks.—Since then, the tolls have continued at that rate; and it is believed by your committee, that the sums received by said company for tolls at said locks, including the water power for mills and machinery, will, the current year, amount to the sum of ten thousand dollars.

Your committee are of opinion, from the best information within their reach, that the expenses of erecting said locks and canals, in the best manner of hammered stone, could not, at this time, exceed the sum of \$30,000. Such has been the opinion of one of the United States engineers upon actual survey and estimation of the expense. Such engineer estimated a fair rate of toll for said locks and canals at seven per cent. on said thirty thousand dollars.

Your committee further report, That the excessive tolls at the locks, and other obstructions on the river, have so far impeded the navigation thereof, as to discourage almost wholly the navigation of said river, for any purpose but that of teams hauling lumber down said river.

The great mass of produce, for many years past, has been almost wholly transported through the country to Boston and the eastern ports by land, at an expense of three times the price of transporting the same by water, under any reasonable rate of tolls which ought to be established for navigating said river.

Your committee further report, That the steam-boat company, incorporated about two years since, for the purpose of navigating by steam, have built, and have now in operation, a line of boats from Hartford in the state of Connecticut as far north as Bellows Falls, and now in successful operation. And other boats are in building, by which a line of boats will, within the present year, be established as far north as Wells River.—And it is believed that by proper encouragement on the part of Government, and the removal of nuisances and other obstructions in the river, an easy, safe and cheap mode of conveyance by steam-boats, will soon be established on said river, which will enable the people of its valley to carry their produce to market by water, instead of transporting the same by land, as hitherto for many years past they have been compelled to do.

Your committee therefore recommend the passage of the following resolution, viz:—*Resolved*, The governor and council concurring herein, That the governor appoint one or more commissioners, not exceeding three, whose duty it shall be to ascertain the true line and boundary between this state and the state of New-Hampshire, and all the evidence to further the same, and report the same to the legislature of this state at the next session thereof.

Which is respectfully submitted, by DANIEL COBB, *for Committee*.

THE KING'S ORDER—[marked A.]

At a Council, held at Fort George, in the City of New-York, on the twenty-fourth day of July, 1771.

Present, His Excellency William Tryon, Esquire, Captain-General, &c. Mr. Hosmader, Mr. Watts, Mr. Delancy, Mr. Apthorp, Mr. Morris, Mr. Cruger and Mr. White.

His Excellency laid before the Board the 4th, 5th, 6th, 9th, 10th, 11th, 12th, 16th, 18th, 21st, 33d, 34th, 35th, 38th, 43d, 46th, 48th, 49th, 50th, 51st, 52d, 53d, 58th and 90th Articles of His Majesty's Instructions, given at the Court of St. James, on the 7th day of February, 1771, which being read, were ordered to be entered in the minutes, and are as follows, that is to say :—The 49th Article of the said instructions is in the words following :

“ *Whereas*, We thought fit, by our Order in Council of the 20th July, 1764, to declare that the western banks of the River Connecticut, from where it enters the Province of Massachusetts Bay, as far north as the 45th degree of north latitude, should be the boundary between our Provinces of New-York and New Hampshire ; and whereas we have further thought fit, by our Order in Council of the 25th of July, 1767, to declare that no part of the lands lying on the western side of the River Connecticut, within that district heretofore claimed by our Province of New-Hampshire, shall be granted until our further pleasure shall be known concerning the same,—*It is therefore our will and pleasure*, That you do take effectual care for the due observance of the said Order in Council, and that you do not, upon pain of our highest displeasure, presume to make any grant whatsoever, or pass warrants for the survey of any part of the said lands, until our further will and pleasure shall be signified to you concerning the same.” The preceding extract is a true copy of the minutes of Council aforesaid, as far as it relates to the 49th Article aforesaid, contained in the minute book, comprehending the years from 1765 to 1775—page 234. Examined and compared therewith, this 15th day of October, 1791,

By me,

ROBERT HARPER, *Dep. Sec'y*  
*of the State of New York.*

## APPENDIX C.

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### TENURE OF THE EXECUTIVE OFFICE—1832.

#### JUDICIAL OPINION.

The resolution of the Council, which elicited the following opinion, is sufficiently set forth in the document itself. The Supreme Court in 1832 consisted of a Chief Justice and four Assistant Justices, and this paper is signed by the Chief Justice and one Assistant; nevertheless the Hon. George P. Marsh referred to it in 1835 as "the opinion given by the Judges of the Supreme Court."—See *ante*, p. 251. This document was substantially conformed to in the twenty-first article of the amendments to the constitution, which was adopted Jan. 2, 1860. The opinion is as follows :

[From manuscript *Council Journal*, Vol. 11, pp. 427-432.]

*To the Hon. BENJAMIN F. DEMING, President of the Council.*—The undersigned, Judges of the Supreme Court, to whom has been communicated the Resolution of the Council passed on the 16<sup>th</sup> of Oct<sup>r</sup> 1832,<sup>1</sup> requesting the Judges of the Supreme Court "to express to the Council their opinion, whether the Governor and Lieutenant Governor of this State do or do not hold their respective offices, and of right ought to exercise the duties thereof, until their respective successors are legally elected," have considered the same, and respectfully submit the following opinion.

The undersigned deem it due to themselves to premise, that, in the peculiar situation in which they are placed, it is with great delicacy that they offer an opinion on the question submitted, in the absence of their brethren, and without being favored with an opportunity of consulting them. Considering, however, the embarrassing situation, in which the Hon. Council, as well as the other branches of the government, are placed, and considering further, that it is the duty of the highest judicial tribunal to answer a call of this character, coming from the Executive Council, and relating, not to questions of private right, but to the organic operation of the government, the undersigned have felt themselves bound, by the obligations of official duty, to answer the question proposed.

In ascertaining the import and true interpretation of any written instrument, resort is first had to the obvious meaning of the language adopted: and if this be explicit and unequivocal, all inference, by way of construction, is excluded. And, should any part of the Constitution furnish an answer in terms to the question propounded to us, it would be

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<sup>1</sup> For the full text of this resolution see *ante*, p. 59.



not only unnecessary but improper to resort to extraneous aids to determine its import.

The only expression in the Constitution, which goes directly to limit the duration of the office of Governor, as vested in any individual, is found in the 10<sup>th</sup> Section of the "Plan or Frame of Government," and which declares that the person "having the major part of votes, to be Governor, for *the year ensuing*." We see nothing in this general expression, which goes to limit the exercise of the powers of Governor, to the precise period of twelve calendar months, or one solar year. The term is, in itself, somewhat indefinite, and, taken in connection with the context, has, evidently, no reference to the slight variations in the duration of the political year, which may be, and usually are, produced by accidental causes. It is further to be observed, that the section, thus far, evidently contemplates an election by the people.

The contingency of a failure to elect is afterwards provided for, but, even in that part of the section, there is no express provision for the exercise of the powers of Governor, during the pendency of the election in the Legislative body; nor is there any allusion, in any part of the section, to the possibility that that body may fail to elect, or that the powers of Governor might, by any contingency, be suspended. We are therefore of opinion that the language of this section is not to be understood as expressly providing that the powers of the Governor shall cease before a successor is elected.

If no answer to the question is furnished by the obvious import of the language of the Constitution, we must resort to the ordinary rules of construction, to determine, from the general tenor and purport of the instrument, the intention of its framers upon the point under discussion.

It is remarkable, that there is no provision in the Constitution for the exercise of the powers of Governor by any person, other than the Governor, or Lieutenant Governor. Had the framers of that instrument intended that the powers of those officers should cease before the election of their successors, the obvious necessity of such a provision could not have escaped their notice. The omission is, on this supposition, most extraordinary—and can, in no way, be accounted for, except upon the supposition, that they intended the reverse. This supposition is strongly fortified by a reference to the organization of the Executive and Legislative departments. The Governor, in his official character, is a constitutional part of the Executive Council, the constitutional depository of the executive power. Without him, the Council possesses no power, except to elect a successor. To all the ordinary purposes of Government or of Legislation, that body is, without a Governor, imperfect—it has neither power nor constitutional weight. At the same time, the Governor and Council are a necessary part of the Legislative department. Without their revision no act of the General Assembly can become a law: and if, at any period, the powers of the Governor are vested nowhere, and can be exercised by nobody, neither the Council, nor the House of Representatives, nor both conjointly, can discharge their functions, or exercise the powers of either the executive or legislative departments.

Having attached this importance to the office of Governor, and rendered the continued existence of that office, or the Lieutenant Governor as his substitute, indispensable to the action of both the executive and legislative power in the government, it can, with no propriety, be supposed, that the framers of that instrument intended to create, in certain emergencies, an absolute vacancy in the office, or to present to the world the anomaly of a Government which contained, within itself, a periodical suspension of its powers. The absence of such a provision is readily

accounted for upon that construction of the Constitution which renders it unnecessary. Such a construction is in perfect harmony with the language of the Constitution, if we consider the political year as terminated by the reorganization of the government : and we [are] forced to adopt it, by the conviction, that, had the language been otherwise understood by those who originally used it, a provision would have been made for the contingency we are considering.

It is not deemed necessary to discuss the analogy, which may be supposed to exist between the Governor, as a corporation constituted by the Constitution, and the various corporations created by the exercise of mere legislative power. If, however, we consider the question, submitted to us by the Resolution of the Hon. Council, as qualified, by a reference to the occasion which called it forth, an analogy may be found to exist, which may aid us in our enquiry. Should a corporation of the latter description convene for the purpose of electing its officers, on the day designated for that purpose by its charter, and should the election be continued from day to day, from inability in the corporators to agree, or any other cause, it would not be insisted that the corporation would be dissolved while the election was pending—nor that the powers of its agents or officers ceased at the instant when an election of their successors was attempted. So in this case, while an election of Governor is pending in the Legislature, it must be considered, that the powers of the incumbent continue, as in the case of other corporations, until a successor is elected—and this from the necessity of the case. We are not to be understood, however, as expressing an opinion as to the effect of a dissolution of the Legislative body, without effecting an election; for, although the question submitted by the Hon. Council is general in its terms, yet we are not aware of any state of things which calls for a decision on such a question, nor would it be decorous to suppose such a case.

The conclusion, at which we have arrived, is warranted by established principles. It is a settled rule of law, applicable to all written instruments, that they are to be so construed as to give them full effect, for the purposes for which they were intended, and they are not to be so construed as to destroy them, or defeat their obvious purpose. This rule, as a rule of constitutional law, is founded in manifest propriety; and its application to the question under discussion is most obvious. The propriety of adopting such a construction of the Constitution, as consists with the uninterrupted action of the essential powers of Government, in preference to one by which its action is interrupted, and its existence endangered, needs no illustration. It is an axiom of constitutional law, which obtains in all Governments, whatever may be their form, that the powers of government are perpetual, and uninterruptedly so. To give, therefore, to the Constitution, such a construction, as suspends or deranges the action of the Government, consists with neither sound sense, the established rules of law, nor with the great purpose for which that Constitution was established.

By the expression, "the year ensuing," is undoubtedly intended the *political* year. The precise beginning and end of that year are not in terms defined in the Constitution, but are to be ascertained by a rational interpretation of that instrument. Of the various suppositions, which may be made on that point, there is one, and *only* one, which can with propriety be adopted. That it begins or ends with the annual election in September was never insisted. That it ends with the assembling of the Legislature, so far as the office of Governor is concerned, can not be admitted; for that officer, as a component part of the Legislature as well as the executive department, is charged with the reorganization of the

government; and to intend [insist] that his powers cease, before that object is effected, involves an absurdity. The supposition that his office expires upon making the Report of the Canvassing Committee is equally fallacious. If, indeed, a new Governor is elected, and duly qualified, the incumbent is, of course, superceded; but if no election is effected, it is difficult to perceive, how the mere declaration of that fact should determine his powers. He is not, of course, out of office, when it is ascertained that he is not re-elected, and to consider him so, is liable to the objection already urged. As the Legislature cannot proceed to an election, until the Report of the Canvassing Committee is received, it follows, that if the powers of the Governor cease at that period, then there is necessarily a time, when, by our Constitution, there is neither a perfect Executive or Legislative power in existence. This result is at war with the settled rule as it obtains in all governments, in relation to the continued existence of political corporations, and carries with it, as a necessary consequence, the conclusion, that the operation of both the executive and legislative departments is suspended.

The only remaining supposition, and, in our opinion, the *true* one is, That the political year, intended in the 10<sup>th</sup> Section of the Constitution, commences with the organization of the Government, and ends with its organization for the succeeding year—and that the Governor, for the time being, continues in office, until, by an election of a successor, his powers and duties are transferred to another.

The practice of the Government, on former occasions, has been supposed to be variant from this opinion, and the proceedings of the General Assembly, in the year 1813, are cited, as furnishing a precedent to the contrary. The Council of that year, we understand, recognized the Governor of the preceding year, as in office, until the election of his successor. The General Assembly manifested a disposition to contest the point—but the Governor presided in Council, and also in Joint Committee. In the latter, a vote was passed appointing him Chairman. This vote, however, may be regarded, either as a sort of implied protest against the precedent, or as a device to avoid debate.<sup>1</sup> In either case, however, it cannot be considered as a decision of the question. If any inference is drawn from the doings of that year, it tends to support the opinion already expressed; for it is hardly supposable, that the Legislature would have called any individual to that station, whom they did not consider a member of their body. If he were not Governor, he was a private citizen, and his appointment to the Chair was a novelty in legislative proceeding. The Legislature did not certainly intend to establish such a precedent, but doubtless adopted the vote to avoid discussion. That the question was agitated by the public is undoubtedly true, but the history of those days furnishes abundant reason for attributing the doubts, then entertained, to other causes than calm investigation. The subsequent practice of those who have occupied the Gubernatorial Chair, originated probably in motives of personal delicacy and in a desire to save the Legislative body from the peculiar embarrassment attending the agitation of the question.

On the whole, we are of opinion, That the Governor and Lieutenant

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<sup>1</sup> In 1789, Oct. 8, the Canvassing Committee reported that the freemen had made no choice of Governor. On the next day the Joint Committee met, "His Excellency Thomas Chittenden, Esquire, in the chair," when Moses Robinson was elected Governor. In that instance the outgoing Governor clearly acted *as Governor*, after proclamation had been made of no election by the people.—See Vol. III, pp. 185-'6.

Governor of this State do hold their respective offices, and of right ought to exercise the duties thereof, until their respective successors are legally elected, it being at the same time understood that we have no reference to a contingency of a dissolution of the Legislative body, without making an election. Should such an event happen, the question whether the Government would be thereby dissolved, is one which we do not deem it our duty, at present, to determine.

TITUS HUTCHINSON,  
SAM'L. S. PHELPS.

The foregoing opinion bears no date in the records of the Council, but it was presented to that body Oct. 19, 1832—one day after Gov. Palmer and Lieut. Gov. Egerton had been re-elected in Joint Assembly. Of course these officers had no occasion to avail themselves of this opinion in 1832; nor did Gov. Palmer in 1835, because the freeman had elected a Lieutenant Governor, who, "in the absence of the Governor," was *ex officio* Governor. The only vacancy which has since occurred was that of 1853, which was filled under the amendment of the constitution adopted Jan. 2, 1850, which was as follows:

ART. 21.—The term of office of the governor, lieutenant governor, and treasurer of the state, respectively, shall commence when they shall be chosen and qualified, and shall continue for the term of one year, or until their successors shall be chosen and qualified, or to the adjournment of the session of the legislature, at which, by the constitution and laws, their successors are required to be chosen, and not after such adjournment. And the legislature shall provide, by general law, declaring what officer shall act as governor whenever there shall be a vacancy in both the offices of governor and lieutenant governor, occasioned by a failure to elect, or by the removal from office, or by the death, resignation, or inability of both governor and lieutenant governor, to exercise the powers and discharge the duties of the office of governor; and such officer, so designated, shall exercise the powers and discharge the duties appertaining to the office of governor accordingly, until the disability shall be removed, or a governor shall be elected. And in case there shall be a vacancy in the office of treasurer, by reason of any of the causes enumerated, the governor shall appoint a treasurer for the time being, who shall act as treasurer until the disability shall be removed, or a new election shall be made.

By a further amendment, adopted June 8, 1870, the term of state officers was extended to two years;<sup>1</sup> and by statute, the Speaker of the House of Representatives becomes Governor in case of an emergency.

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<sup>1</sup> *Vermont Legislative Directory*, 1876-77, pp. 153-154.

## APPENDIX D.

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### RESOLUTIONS ON TOPICS OF NATIONAL POLICY.

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#### ORGANIZATION OF THE MILITIA.

IN GENERAL ASSEMBLY, Oct. 25, 1831.

*Resolved*, the Governor and Council concurring herein, That the senators of this state, in the Congress of the United States, be instructed, and the representatives be requested, to use their exertions to procure the passage of a law for the more perfect organization of the militia of the several states.

[Concurred Oct. 31, 1831.<sup>1</sup>]

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#### INTERNAL IMPROVEMENTS.

IN GENERAL ASSEMBLY, Nov. 1, 1831.

*Resolved*, the Governor and Council concurring herein, That the senators of this state in the Congress of the United States be instructed, and the representatives be requested, to use their exertions to procure an appropriation from the general government sufficient to erect a *Breakwater* in Lake Champlain, opposite the village of Burlington.

[Concurred Nov. 8, 1831.<sup>2</sup>]

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#### DISTRIBUTION OF PROCEEDS OF THE PUBLIC LANDS.

IN GENERAL ASSEMBLY, Nov. 7, 1832.

*Resolved*, the Governor and Council concurring herein, That our Senators in congress be instructed, and our representatives requested, to sustain, by all proper means, a division of the moneys arising from the sale of the public lands, in accordance with the principles in the report made by Mr. [Henry] Clay, to the Senate of the United States, at the last session of congress. [Concurred Nov. 8, 1832.<sup>3</sup>]

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<sup>1</sup> Printed *Laws* of 1831, p. 37.

<sup>2</sup> Printed *Laws* of 1831, p. 38. Repeated appropriations for this purpose have been made.

<sup>3</sup> Printed *Laws* of 1832, p. 27. Vermont subsequently received \$669,086.79 from this source, which was distributed to the several towns and gores according to population, to be managed by them, and the income used for the support of schools. This fund has been redistributed under each succeeding census, and it is believed that, on demand of the United States, every dollar will be promptly repaid.

THE PROTECTIVE SYSTEM — INTERNAL IMPROVEMENTS — UNITED STATES BANK — U. S. SUPREME COURT.

IN GENERAL ASSEMBLY, Nov. 8, 1832.

*Whereas*, there exists in the country an organized and powerful opposition to the system of protection to domestic industry and enterprise, usually denominated the "*American System*," which has, heretofore, been considered the settled policy of the government: *And whereas*, a proposition for the reduction of the tariff duties, to an extent destructive to the leading interests of this portion of the Union, was made by the head of the treasury department, sanctioned by the executive of the general government, himself [President Jackson,] at the last session of congress, which proposition may be renewed under the same auspices,

*Therefore, Resolved*, the Governor and Council concurring herein, that our senators in congress be instructed, and our representatives be requested, to oppose any and every modification of the tariff laws, which shall have any tendency to weaken or destroy their efficiency, as a system of protection to domestic manufactures, in their various branches.

*And, whereas*, It is believed that the prosecution, by the general government, of works of internal improvement, of a character strictly national, is of the highest utility, in developing and increasing the resources, as well as securing the defence of the country, and is, also, most intimately connected with the prosperity of its agricultural and commercial interests—

*Therefore, Resolved*, the Governor and Council concurring herein, That our senators in congress be instructed, and our representatives be requested, to aid in procuring appropriations for such works of internal improvement as shall, in their opinion, be of general and national importance.

*And, whereas*, It is believed that a bank of the United States is indispensably necessary as the fiscal agent of the government, as well as of the first utility in promoting and sustaining a sound currency within the country,

*Therefore, Resolved*, the Governor and Council concurring herein, That our senators in Congress be instructed, and our representatives be requested, to use their endeavors to procure a re-charter of the present bank of the United States, with such powers and provisions as they shall deem most proper for the attainment of the object of its institution, and most conducive to the general welfare.

*And whereas*, The independence of the judiciary, and the maintenance of its authority, are deemed to be absolutely necessary to secure the rights of the people, and to preserve the union of the states—

*Therefore, Resolved*, the Governor and Council concurring herein, That our senators in congress be instructed, and our representatives requested, to use their influence, and their votes, to preserve inviolate the integrity, and resist all encroachments upon the authority of the supreme court of the United States, and to insure the independence of the judiciary, in every department.

[Concurred Nov. 8, 1832.¹]

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¹ Printed *Laws of 1832*, pp. 28-30.

## PROTECTION TO MARBLE.

IN GENERAL ASSEMBLY, Oct. 30, 1833.

*Resolved*, The Governor and Council concurring herein, that our Senators in Congress be instructed, and our Representatives in Congress be requested, to use their efforts and influence to procure a law to be passed increasing the duty on foreign marble. [Concurred Oct. 30, 1833.]<sup>1</sup>

## PROTECTION TO AMERICAN INDUSTRY—NATIONAL BANK—PUBLIC LANDS—PROTEST AGAINST ACTION OF PRESIDENT JACKSON.

IN GENERAL ASSEMBLY, Nov. 6, 1834.

*To the General Assembly now sitting*: The Committee of Ways and Means, to whom were referred those parts of the Governor's message relating to the finances and to the Bank of the United States, having had the same under consideration, respectfully submit the following report—

That suitable protection to domestic industry and enterprise, and the furtherance of internal improvements of a national character, are essential to the defence and independence of the country, the prosperity of its agricultural, manufacturing and commercial pursuits, and the advancement of its general interests and welfare: That a national bank, with powers properly limited and restricted, is essential, if not indispensable, as a fiscal agent, as well as necessary to sustain and preserve a sound and uniform currency, and give the requisite facilities to trade, commerce and manufactures.

That an equitable distribution, among the several states, of the monies arising from the sale of the public lands, for the purposes of education and internal improvement, comports alike with sound policy and the principles of justice.

That the maintenance of the just powers of each department of the Government, as confined and defined by the constitution, is essential to the preservation of public liberty and the perpetuity of our free institutions:—And that the Executive of the United States, in his late removal of the public monies from the place of custody established by law, [removal of the U. S. treasury deposits from the United States Bank,] exercised a power not given to him by the constitution or laws, but in derogation of both,—and in his late Protest to the Senate of the United States has asserted doctrines, and claimed for himself powers at variance with the letter and spirit of the constitution, subversive of the legitimate authority of the other branches of the Government, and dangerous to the liberties of the people.

Your committee therefore beg leave to offer the following resolution—

*Resolved* The Governor and Council concurring herein, That our Senators in Congress be instructed, and our Representatives be requested, by their influence and votes, to sustain the principles and policy herein asserted, and especially to maintain inviolate the authority of the legislative department of the government, and resist all encroachments upon its constitutional powers. In Council, Nov. 6, 1834. Read and concurred in.

GEO. B. MANSEY, *Secretary*.

In the period covered by the foregoing resolutions the controlling element in Vermont elections was anti-masonry, and not questions of

<sup>1</sup> Printed *Laws of 1833*, p. 28.

national politics ; it may therefore be concluded that the opinions expressed in the foregoing resolutions are those entertained by a large majority of the people. The series of resolutions of 1832 was introduced by E. D. Barber, the leader of the anti-masonic party in the House, and all but the third were adopted without a division. On the third, relating to the U. S. Bank, a motion to dismiss was made, on which the ayes were 25, and the noes 93. The resolutions of 1834 were adopted by a vote of 113 to 37. It seems therefore that the national policy, which controlled the administrations of Madison, Monroe, and John Quincy Adams, was favored by Vermont at that period, and this sufficiently accounts for the subsequent attachment of the state to the Whig party in national politics.



## APPENDIX E.

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### THE SECOND STATE HOUSE.

As the following report was adopted and substantially carried out in the construction of the second State House, a structure destroyed in 1857, its preservation here is deemed proper.

*To His Excellency William A. Palmer :—*The Committee, appointed pursuant to the act "Authorizing the building of a State House at Montpelier," to fix upon a place for the erection of said State House, and to prepare a plan for the same, having attended to the duties assigned them, report—That, after a careful examination of the act, under which they hold their appointment, to ascertain their duties, and, as far as possible, the intentions of the General Assembly, as to the dimensions of the building and the materials of which it should be built, they have come to the conclusion that the whole subject was submitted to their judgment and discretion. Fully aware of the responsibility under which they acted, the committee have spared no pains in their endeavors to discharge the duties assigned them in a manner that should receive the approbation of their fellow citizens. They considered that, whilst many of the other States were expending large sums of money in the erection of their public buildings—each endeavoring to surpass the others in the beauty, taste, and elegance of design and workmanship,—the State of Vermont would hardly be satisfied with a building that would not compare advantageously, in point of convenience and correct taste, with those erected in the neighboring States. To enable them to prepare a plan of a building possessing as many conveniences as possible, and to ascertain the probable cost of such a building, the committee considered it necessary that they should obtain a knowledge of the improvements adopted in some of those buildings lately erected in the neighboring states. They accordingly proceeded to Concord in New Hampshire, and to Boston, and thence to New Haven, in Connecticut, made a careful inspection of the State Houses in those places, and ascertained their cost. Although these buildings are splendid specimens of architecture, they consider the internal arrangements, in many respects, defective and inconvenient for the purposes of legislation.

The committee have prepared a plan for a building which they flatter themselves will be found, in point of convenience, second to no one in the United States, and which, in its external appearance and architectural proportions, will be creditable to the State. In this plan the most careful attention was bestowed to render the house convenient for the purposes of legislation. It is proposed to make use of the most durable materials in its construction, so that with proper care the building will last for ages; and the committee have in their plan endeavored so to arrange the Halls, and the other departments of the building, as will ac-

commodate the State for a long time to come. The size of the building recommended is larger than the committee could have wished; but, after much time spent in their endeavors to reduce it, they were satisfied that the necessary halls, offices, and committee rooms could not be contained in a building of smaller dimensions. After having adopted a plan for a building, the committee found considerable difficulty in selecting a suitable site whereon to place it. The ground on which the old State House stands is too low, and is not sufficiently firm to support a building constructed with such heavy materials. To build on, or near, that place, it would become necessary to dig to a considerable depth, and then to drive such a number of piles as would sustain the walls and internal divisions, and the whole foundation to be raised, with solid stone-work, several feet higher than the foundation of the old State House; and after all these precautions, having no assurance that the building would not settle in some places, so as materially to injure it. Every part of the village was examined, and the committee selected a spot a little back from the Court House, as possessing more advantages than any other in the village; being composed almost entirely of solid rock, and which, by blasting the higher parts, would furnish good materials for raising the lower parts to a proper level, at a much cheaper rate than to purchase and draw the stone, affording a solid, substantial foundation for the building.

In selecting this site the committee were met by new embarrassments. This site, with the lands in front, were private property, and could not be procured but for a considerable sum. It would also become necessary to move the Court House, (which had been placed in the public square, by the consent of a former Legislature,) a brick School House which had cost twelve hundred dollars, and procure the Baylies lot, a small lot belonging to Mr. Owen, and to extend the whole back about thirty-three rods and a half, from the front to the street. The committee stated their difficulties to the citizens of Montpelier, and requested their aid to remove them. It had been ascertained that the Baylies lot, with the buildings, might be purchased for three thousand seven hundred dollars, and not for a less sum. But the citizens of the village having already become obligated to pay fifteen thousand dollars towards the erection of the State House, thought themselves unable to add to that another burden of more than five thousand dollars. Under these circumstances, the committee ventured to propose to pay them three thousand dollars, towards effecting this object, provided the citizens of Montpelier would procure titles to the above described lands, and would move from the premises all the buildings standing thereon, including the Court House. These terms were finally acceded to and good titles procured to the lands in question. The committee regret that they found it necessary to expend so large a sum in procuring a site for the building. Yet they do believe, with this expense, the cost of preparing a foundation in this place will not greatly exceed what would have been required in the place where the old State House stands, and also affording a much more eligible and secure situation for the proposed building,—with a convenient and handsome area in front, and sufficient space at the ends and rear of the building for all necessary appendages and appurtenances.

As it respects the expense of the proposed building, including the land purchased, the committee, after a careful examination, have come to the conclusion that it will not vary much from sixty thousand dollars; a sum considerably under the cost of either of the State Houses in Maine, New Hampshire, or Massachusetts. In this estimation we have calculated the expense of constructing the columns of the Portico with brick and to stucco them in imitation of stone. The committee would

however recommend that they be of granite, which would be vastly more durable, and much more in harmony with the other parts of the building ; providing granite of suitable dimensions and quality can be obtained at an expense not greatly exceeding the cost of the brick and stucco. But as it is not necessary to make the selection at this time the committee prefer that the General Assembly shall, at their next session, direct of what materials the columns shall be constructed.

For a particular description of the building, its internal arrangements, and the manner and style in which it is proposed to finish it, the committee respectfully refer you to the plans which they have prepared and deposited in the office of the Secretary of State.

The committee are fully aware of the amount of responsibility they consider it necessary to assume. They trust however, that, having been actuated by no other motives than such as had relation to the convenience and character of the State, their doings will be approved by their fellow citizens.

SAMUEL C. CRAFTS,  
ALLEN WARDNER,  
GEORGE T. HODGES.

## APPENDIX F.

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### JUDGES OF THE SUPREME COURT ARRAIGNED.

It has so long been the custom in Vermont to ignore political considerations in the election of judges of the Supreme Court, that anything which seems to savor of political favoritism, much more of personal injustice, in respect to the judges, is extremely distasteful. For that reason the annexed document is given with reluctance ; but the inquiry, which produced it, is a matter of record in this volume, and the resulting report seems to become necessarily a part of it to complete the record.

Oct. 17, 1833, Charles K. Williams was elected Chief Justice of the Supreme Court, in the place of Titus Hutchinson, who had been elected to that office for the three preceding years—more, it is supposed, because of his affiliation with the prevailing anti-masonic party, than from superior learning in the law ; though it must in justice be said, that Judge Hutchinson rose in regular gradation from second assistant justice in 1825 to the chief justiceship in 1830. Judge Williams, however, had served two years on the bench, 1822–3, previous to Judge Hutchinson's first election ; and therefore when, in 1829, both of these gentlemen were placed upon the bench, Judge Williams ought, according to the customary rule, to have taken precedence, and so become Chief Justice during the entire term filled by Judge Hutchinson. The election of 1833 gave Judge Williams the position to which he had been for some years fairly entitled. This was quite disappointing to Judge Hutchinson's friends, and on the 21st of October Edward D. Barber, the leader of the anti-masonic party in the House, introduced the following resolution :

*Resolved*, the Governor and Council concurring herein, that a select committee of two to join from Council, be appointed to ascertain whether the Judges of the Supreme Court have faithfully reported their decisions according to the act passed Nov. 13, 1827.

This resolution was adopted by both Houses, and a committee appointed, consisting of William A. Griswold of the Council, and Edward D. Barber and Andrew Tracy of the House. Nov. 4, this Committee (a majority, Mr. Tracy unquestionably not concurring,) reported as follows :

IN GENERAL ASSEMBLY, Nov. 4, 1833.

*To the General Assembly now sitting :—*The select committee raised on the resolution to enquire whether the Judges of the Supreme Court have faithfully reported their decisions according to the act of 1827, beg leave respectfully to submit the following report : By the first section of the aforesaid act, entitled "An act to provide for reporting the decisions of the Supreme Court of Judicature and for other purposes," it is made the "duty of the justices of the Supreme Court to make true and authentic reports of all decisions which may be made by said Court, proper to be reported, as soon as may be after such decisions shall have been made, and on or before the first of October in each year, furnish a true and correct copy of each report to the Secretary of State, subject to the order of the General Assembly." The second section of said act provides that each justice of the Supreme Court shall hereafter receive "in addition to the salaries heretofore allowed by law the sum of one hundred and twenty-five dollars annually." By the same act the office of Reporter of the decisions of the Supreme Court is abolished, which, together with the provisions of the sections before quoted, shows that it was the intention of the Legislature to grant the sum of one hundred and twenty-five dollars in addition to the usual salaries of the judges, as a compensation for their extra services, in the preparation and reporting of their decisions from year to year, as required by the first section of the act in question.

Your committee, in order to arrive at the facts required of them by the resolution under which they are acting, have examined all the Volumes of the Vermont Reports, and find the whole number of cases reported, not including six cases set down as reported *per curiam*, and six credited to Judge Thompson, reported as the committee understand by another Judge, to be 372. They were not able, however, by this investigation alone to determine whether the above number comprised the *whole* of the cases decided by the Court within the time embraced in their reports, or whether the judges had severally performed the duties required of them by law. In order, therefore, to determine these points with some degree of definiteness, they adopted the following *data* as the ground work of the exposition of the subject which follows.

The committee found by enquiry, that ever since the passage of the Act of 1827, it has been customary with the judges of the court, in delivering the opinions of the court and reporting the same, to make the following division of cases determined, viz. the chief Justice has taken the first case ; the first Assistant justice the second ; the second assistant justice the third ; the third assistant justice the fourth ; and the fourth assistant justice the fifth ; thus distributing to each justice, as nearly as may be, an equal proportion of that part of their duty. In connexion with the foregoing rule of the court, the committee consider it proper to state, that it is also customary for but four of the judges to be on the bench at the same time. This will not, however, vary the result of the rule in question, inasmuch as it has always been their practice, as the committee learn, to agree, at the commencement of the term, at what time each judge may be absent ; and the amount of time allowed for the absence of each, has been made as nearly equal as possible. In view of the foregoing usages of the court, the committee have deemed it perfectly fair, therefore, to take the highest number of cases reported by any one judge in any given period, as the average number which fell to the lot of each judge to report within such period. This supposition the committee have made the basis of the calculations which follow :

The committee found, upon an examination of the reports, that of the cases decided in 1828, Judge Hutchinson reported 27 ; Judge Skinner

none; Judge Prentiss 14; Judge Turner 7.—Of those decided in 1829, Judge Hutchinson reported 46; Judge Skinner none; Judge Prentiss 16; Judge Turner 9; and Judge Paddock 18.—Of those decided in 1830, Judge Hutchinson reported 21; Judge Prentiss 26; Judge Royce 9; Judge Williams 14; and Judge Paddock 16.—Of those decided in 1831, Judge Hutchinson reported 39; Judge Prentiss 1; Judge Royce 3; and Judge Williams 13.—Of those decided in 1832, Judge Hutchinson reported 35; Judge Williams 30; Judge Baylies 19; and Judge Phelps 9. The whole number of cases reported, as above stated, is 372, of which Judge Hutchinson reported 168; Judge Prentiss 57; Judge Turner 16; Judge Paddock 34; Judge Royce 12; Judge Williams 57; Judge Baylies 19 and Judge Phelps 9. It is proper here for the committee to state, that as they have confined themselves in the above statements to the reports which have been published, the account there given does not embrace 30 cases now on hand for the next volume prepared by Judge Hutchinson; 30 by Judge Baylies; 16 by Judge Paddock, and about 30 partly prepared by Judge Williams. The committee understand also, that the cases set down to Judge Thompson were reported by Judge Hutchinson. If these be added to the statement previously made, the whole number of cases reported will be 484, of which Judge Hutchinson has reported 204; Judge Williams 87; Judge Paddock 50, and Judge Baylies 49, and each of the other judges as before stated. The committee have added these particulars, in order that all the facts within their knowledge may be laid before the General Assembly, although in the exposition which follows, they will confine themselves to the number of cases actually reported, and published in the Vermont Reports.

Taking, then, the highest number reported by any one Judge, as the standard by which to determine the number which fell to the lot of each Judge to report, the committee find that in the years 1828 and 1829 Judge Hutchinson reported 73 decisions for which he received \$250. Judges Turner and Skinner were on the bench at the same time, and received the same amount of compensation, the former of whom reported but 16 cases; and the latter none.<sup>1</sup> In the years 1828, '29, and '30 Judge Hutchinson reported 94 decisions, for which he received \$375. Judge Prentiss during the same period received the same sum, and reported but 57 decisions. In the years 1829, '30, and '31, Judge Hutchinson reported 106 decisions and received for the same \$375—Judge Paddock during the same period received the same sum and reported but 34 cases. In the years 1830, '31, '32, Judge Hutchinson reported 95 cases, and received for that service \$375—Judges Williams and Royce during the same period received the same amount of compensation, the former of whom reported but 57 cases, and the latter but 12. In the year 1832 Judge Hutchinson reported 35 cases and received \$125—Judges Baylies and Phelps during the same period reported, the former 19 and the latter 9 cases. If the rule adopted by the committee to ascertain the number of cases determined by the Supreme Court since the passage of the act of 1827, and which, according to the provisions of that act, ought to have been reported in the four Volumes of the Vermont Reports already published, be a fair one, it appears that 359 cases remain unreported, and that of this number 73 fell to the lot of Judge Skinner; 37 to the lot of Judge Prentiss; 57 to the lot of Judge Turner; 62 to the lot of Judge Paddock; 38 to the lot of Judge Williams, and 82 to the lot of Judge Royce.

From the same *data* it appears that there has been paid to Judges

<sup>1</sup> Judges Skinner and Turner retired in October 1829, the former voluntarily.

Skinner, Prentiss, Turner, Paddock, Williams and Royce over and above the sum they would have received if paid *for services done*, in the same proportion that Judge Hutchinson was paid, the aggregate sum of \$1204.03, of which sum Judge Skinner received \$250 ; Judge Prentiss \$147.63 ; Judge Turner \$202.92 ; Judge Paddock \$219.40 ; Judge Williams \$140.10 ; and Judge Royce \$323.90.

From the foregoing statement of facts, it appears manifest to the committee, that the provisions of the act of 1827 have not been faithfully complied with by all the Judges of the Supreme Court. The committee would not, however, undertake to say that the estimate of the delinquencies which they have made would prove true to the letter, although they feel confident that the principles upon which they have proceeded in making that estimate are correct, and that the estimate itself cannot be very far from the facts as they exist. To suppose the contrary, indeed, would be to suppose that one Judge of the Supreme Court has been burdened with, and has actually performed, almost one half of the whole business of reporting under the act in question, for which he has received no more compensation than each of his associates. It would show, in fact, that Judge Hutchinson has received, for reporting 174 out of 378 cases only 3.59 per case, while the average amount per case paid by the State for reporting the remaining 204 cases is \$11. Still the committee would not undertake to say but the whole subject is capable of a satisfactory explanation by the persons supposed to be delinquent. The Committee consider that whatever may be the result, the matter requires investigation. They therefore recommend the adoption of the accompanying resolution marked (A) and the passage of the accompanying bill marked (B.)

WM. A. GRISWOLD, *for Committee.*

Which was read. And the resolution in the following words, [A] "*Resolved*, the Governor and Council concurring herein, that the Secretary of State be instructed to demand of the several persons who have been Judges of the Supreme Court of this State since the 13th of Nov. 1827, now living, reports of the decisions of said Court which remain unreported in their hands, and report to the next General Assembly, and that the Treasurer of this State be instructed to inquire whether the estate of the Hon. Richard Skinner, deceased, is not indebted to the State in the sum of \$250, received by said Skinner for services which have never been performed, and report to the next General Assembly," — was read, and ordered to lie on the table. And the bill [B] entitled "An act in addition to an act to provide for reporting the decisions of the Supreme Court of Judicature and for other purposes, passed Nov. 13th, 1827," was read, and ordered to be read a second time to-morrow morning.

Nov. 6, 1833, the above bill "was, on motion of Mr. Barber, [of the committee,] referred to the next session" ; and at that session, Nov. 5, 1834, the bill was reported adversely by the committee on the Judiciary, and was *dismissed*.

Nov. 7, 1834, "The resolution directing the Secretary of State to demand reports of the decisions of the Supreme Court, &c.' was, on motion of Mr. West, *dismissed*."<sup>1</sup>

The censure of the foregoing report by the Assemblies of 1833 and '34, implied in the orders of dismissal, is perhaps a sufficient vindication

<sup>1</sup> Printed *Assembly Journal* of 1833, pp. 57, 72, 99, 153-155, 167, 191 ; and of 1834, p. 204.

of the judges implicated—and to that may be added the continued confidence, for many years, in Prentiss, Phelps, Williams, and Royce ; but it is deemed best, in justice to those of the censured judges who had left the bench previous to the date of the preceding report, to give the act upon which it professed to be founded :

AN ACT to provide for reporting the decisions of the supreme court of judicature, and for other purposes.

SEC. 1. *It is hereby enacted by the General Assembly of the State of Vermont*, That it shall be the duty of the justices of the supreme court to make true and authentic reports of all decisions, which may be made by said court, proper to be reported, as soon as may be after such decisions shall have been made, and on or before the first of October, in each year, furnish a true and correct copy of such reports to the secretary of state, subject to the order of the general assembly.

SEC. 2. *It is hereby further enacted*, That each justice of the supreme court shall, hereafter, receive in addition to the salaries heretofore allowed, by law, the sum of one hundred and twenty-five dollars annually.

SEC. 3. *It is hereby further enacted*, That all former acts, making provision for the reporting of the decisions of the supreme court, be and are, hereby repealed.

[*Passed Nov. 13, 1827.*]

For a few years previous to the passage of the preceding act the Supreme Court Reports had been the work of a reporter, the late Hon. James Davis of St. Albans. By the first section of this act that duty was imposed upon the judges, with a discretion as to the cases "proper to be reported"; and also as to the time of making them, to wit,—“as soon as may be after such decisions shall have been made”; and by the second section, in consideration of this service, though not so expressed in terms, an addition was made of one hundred and twenty-five dollars annually to the salary of each judge. This fair interpretation of the act was evidently adopted by the judges : they did use their discretion as to the reports ; and they also did, one and all, Chief Justice Hutchinson included, with the approval of the Auditor and State Treasurer, receive the additional salary. Then came the committee, with an interpretation which the act did not bear ; an interpretation which indeed stripped the judges of all the discretion the act manifestly gave to them. This interpretation was, that each judge should annually prepare and deliver an *equal number of reports*, without any regard to their importance and the consequent care and labor of preparing them ; and, assuming that Chief Justice Hutchinson must be the standard, they apply the arithmetical rule of simple division, and by it convict every other judge of a grave dereliction of duty, and gibbet him as a dishonest man ! Suppose they had assumed an *average number of cases* as the just standard, giving Judge Hutchinson all the praise he may have deserved for superior facility in making reports, and considered also the *time* during which the judges had been on the bench : then it is demonstrable that nearly every judge would have escaped the condemnation of the committee. The cases of Judges Skinner and Thompson are specially noticeable, since

<sup>1</sup> Printed *Laws* of 1827, p. 6.



they were both disabled through no fault of their own, and according to the rule observed, it is believed, in all civilized countries, were entitled to their salaries without service. The committee were indeed tender to Judge Thompson, who was a neighbor of Councillor Griswold ; but Chief Justice Skinner seems to have been the object of special malevolence : his body is dragged from the grave, impeached and hung in chains by the rule of *division*, and then the rule of *subtraction* was invoked against his estate ! In olden times the rule of division was applied in England to certain great criminals ; they were hung and *quartered* : but even there the rule was not applied until after conviction by due process of law. This rule seems to have been ignored by the committee, and that other, which even the heathen respected—*De mortuis nil nisi bonum*. The most charitable conclusion to be reached is, that the report of the majority of the committee was the work of Edward D. Barber, a young man who was then unfortunately an intense partizan, though only a student in the law who had not reached the honor of an admission to the bar of Addison County. But he also is dead, and so the hope shall be declared that he, in his maturer years, would not have been guilty of a contempt and distrust of the judges of the Supreme Court such as the report of this committee indicated.

## APPENDIX G.

### BIOGRAPHICAL AND HISTORICAL.

#### HON. ABEL CURTIS.<sup>1</sup>

The late Thomas Emerson, of Norwich and Windsor, married a daughter of Hon. Abel Curtis, and from CURTIS EMERSON, of East Saginaw, Michigan, the last surviving member of the family of Thomas Emerson and wife, the following interesting documents have been received. The original "Memorandum" and letter are in the archives of the Vermont Historical Society. These papers had been long in the possession of Samuel T. Atwater, Esq., of Buffalo, N. Y., whose wife was a sister of Curtis Emerson.

##### *Memorandum—Abel Curtis—record 12<sup>th</sup> may 1781.*

I was born in Lebanon, in Connecticut, June 13<sup>th</sup> An. 1755—Commenced Bachelor of Arts at Dart<sup>mo</sup> College 24<sup>th</sup> July An. 1776. Was married to Miss Kezia Brown 12<sup>th</sup> May 1779—being then 23 years and 11 Months old—She was born in Preston, in Connecticut, April 4<sup>th</sup> An. 1764—being when she was married 15 years 1 month 8 days old—

We first began to keep house together Nov<sup>r</sup> 22<sup>d</sup> 1779—

Our Daughter Lucy was born Febr<sup>y</sup> 22<sup>d</sup> 1780 1 oClock morn. & 17<sup>th</sup> day of the moon—was baptized Lord's day May 28<sup>th</sup> 1780.

I was elected by the Freemen of s<sup>d</sup> Norwich in the County of Windsor & State of Vermont—to the office of Justice of the Peace for s<sup>d</sup> County—on the last Tuesday of March (27<sup>th</sup> day) 1781—& afterwards commissioned & sworn accordingly.

Was appointed in Jan. 1782 by the Gov<sup>r</sup> & Council of s<sup>d</sup> State as Agent in Conjunction with Jonas Fay & Ira Allen Esq<sup>ts</sup> to attend on the American Congress at Philadelphia & arrived there the 6<sup>th</sup> Febr<sup>y</sup> following—

In Novem<sup>r</sup> 1782 was elected 4<sup>th</sup> Assistant Judge of the County Court in s<sup>d</sup> County & took seat the last tuesday of Dec<sup>r</sup> following—<sup>2</sup>

<sup>1</sup>See Vol. II, p. 132 and General Index; Vol. III, p. 24 and General Index; and Vol. V, p. 544.

<sup>2</sup>Mr. Curtis was elected a member of the Board of War in March 1782, and one of six Delegates to the Continental Congress, Feb. 25, 1783, in anticipation of the admission of Vermont into the Union. He was a member of the Assembly in 1778, 1781 and '82, and was a member elect at his death, Oct. 1, 1783, in his 29th year. Never, in Vermont certainly, has so young a man held so may and high offices.

Our second Daughter named Sally was born Decem<sup>r</sup> 6<sup>th</sup> 1782 about five o'clock P. M. & 2<sup>d</sup>. day of the moon—  
And was baptized Lord's Day 2<sup>d</sup>. Febr<sup>r</sup> following.

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*Letter of Abel Curtis to Levi Willard, dated Dart<sup>mo</sup> College Sep<sup>r</sup> 22<sup>d</sup> 1777.*  
[Superscription :] For

Mr.  
Levi Willard  
supposed to be with the British  
To the care of } Forces at the Northward  
any Patriot } unless taken——<sup>1</sup>  
My dear Willard,

You can hardly guess my surprize and grief when first I heard the melancholy news that you had forsaken a Father's house Friends & Acquaintance & had gone ;—O gracious Heaven,—where ? To join yourself with, (let me use as favorable terms as possible) those savage and unnatural destroyers of Our Country. What phrenzy possessed your Mind ? or rather what evil genius acted [actuated] you and in an unguarded hour persuaded you in spite of your wonted steadiness, reason and the dictates of your Conscience—to sacrifice your peace good name & Reputation to procure the favor and friendship of those whose footsteps spread horror & desolation & whose conduct evidences that their minds are void of every tender feeling of humanity. Why else do we often hear & many see helpless victims whom the fortune of War has thrown into their power, some perishing with hunger, others mangled in the most cruel manner, their hands cut off, their bodies pierc'd with Bayonets, nor does their insatiate fury stop with Breath but relentless & deaf to the voice of humanity they stab the lifeless Corpse ? Why else do they let loose a blood thirsty Savage,—indiscriminately to scalp & torture Friends & Foes ? And why else is Virgin Innocence betrayed to sate their brutal hellish lust ? O Britain how art thou fallen ! Is thy pristine glory reduced to this ! Are thy Troops, once the terror of haughty Kings & the restorers of peace & defenders of Liberty, now guilty of more than Savage Barbarity ? And what is still more surprizing, Are there any who, not regarding the ties of Consanguinity nor the blessings of liberty, join in with these unnatural Enemies and barter their honor & Reputation for venal servitude & passive obedience ? who are willing to risque even life in the inglorious cause ? And Satan like, transform themselves into the appearance of Savages that they may, as they imagine, spread the greater terror & commit the more mischief. I can heartily say with Mr. Pope—

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<sup>1</sup> According to *The Saginaw Daily Courier* of Dec. 6, 1878, Levi Willard was born in Hartland [then Hertford] about 1759 : but as the first birth in that town was in 1764, the probability is that Levi came with Oliver Willard in 1766, being then about seven years of age. He was in Dartmouth College with Abel Curtis, and at about the age of eighteen he joined the British army and served in the commissary department. At the close of the revolutionary war he was employed by a British Fur Company, and for many years lived among the savages and trappers, but finally returned to Vermont "and died at Sheldou in October 1839, in his 80th year, in humiliation and obscurity." Of course Willard never received the letter, and it was returned to its author.

Curst be the man, devoid of law & right,  
Unworthy property, unworthy light;  
Whose lust is murder & whose savage joy  
To tear his Country & his kind destroy.

But the most unaccountable of all is, if we may credit it, that even Women have lately been taken dress'd & painted in Indian form, while they were attempting to ravage & plunder. These are incontestable facts & cannot fail to entail endless disgrace & infamy on the British Arms & if there be a God in Heaven who regards the affairs of Men the shame & destruction of all their miscreant Tools must unavoidably ensue. But whither am I transported by the warmth of passion? I desire [to] trust in that God who sits at the helm of affairs to defeat the designs of the Enemy & bring the mischiefs they are plotting against us upon their own heads. Permit me to ask what could be the reason of your so abrupt departure? Why might not a friend once have the opportunity to advise you, or, at least bid you farewell? Was you convinced that the American cause is unjust? or did you join the Enemy from a prospect of gain or Honor? Or, (which I am ready to think was the case) was you seduced by the persuasion of others? If you think our cause unjust,—I shall not at present multiply words, only ask you to look into the natural & equal right every man has to freedom & then see if one may in justice assume power over another so as to “bind him in all cases whatsoever”; if so then the notion of freedom is a meer *chimera*, a creature of the brain. It is This arbitrary power these States are opposing & indeed I am so convinced of the justice of our cause that should every man in the United States of America even to his Excellency Gen<sup>l</sup> Washington willingly submit to the power of Britain (which I am confident is far otherwise,) I should by no means be persuaded to think that we are not fighting in the cause of Heaven & Mankind—

Without a sigh his sword the good man draws  
And asks no omen but his country's cause—

If you had honor or wealth in view permit me to ask you, have you attained your end? If you have not, then too late you find your disappointment: but if you have I ask—can it sufficiently compensate the resentment of an injured People, or make amends for that peace of mind you must unavoidably lose thereby? But if you was seduced; I heartily join with you in Cursing the man who was so criminally guilty. To persuade a young Gentleman possessed of every aimable [amiable] qualification, in the prime of life, & capable of extensive usefulness—to forsake Friends & Relations—to incur the revenge of an affronted Country—to entail upon himself the execrations of thousands—& (shocking to relate) to join himself to worse than savage Foes, the destroyers of the rights of Mankind—such conduct I say is the most impious, inhuman, & ungenerous that can be conceived or committed by mortal.

Methinks I hear you say—Had it not been for that Dev—h Esq<sup>r</sup> Right<sup>1</sup>

<sup>1</sup> Willard was a Hartland [then Hertford] man, and the allusion here undoubtedly was to Zadock Wright, who was the first town clerk of that town, appointed by the Royal Provincial Government of New York a justice of the peace in 1772, and subsequently a Tory, whose estate was confiscated by Vermont, though a portion was set off and confirmed to his wife.—See Deming's *Catalogue*, p. 72; B. H. Hall's *History of Eastern Vermont*, pp. 328 and 765; and *Governor and Council*, Vol. I, p. 304. Some of the Willards in Windham and Windsor Counties, according to B. H. Hall's *History of Vermont*, held office under the Royal Provincial

it would not have been thus with me now. Ah Willard! where was your reason, your fortitude of mind to withstand his hellish persuasions? But I must not be too severe: your own reflections cannot fail of giving you sufficient uneasiness. It becomes me to be thankful for that restraining *grace* which has, & I trust will keep me from falling down the same frightful precipice.

I have determined, ever since your sudden departure, to write, but fearing my letter would not reach you, I have omitted until now. Having lately heard that Ticonderoga is taken by our Troops, I hope to hear that you are fallen into our hands—if not, I but very little expect that you will receive this. If you should, take for once the advice of a Friend—Perform your Duty & deliver yourself up to justice—if you have not taken arms follow my advice & do not appear in Arms. I am ready to hope you may yet be restored to favor. It is more honorable when a person has once taken a wrong step to go back than to persist in it. As your abrupt departure was the grief & amazement of Friends, so your returning & delivering yourself into the hands of Justice, I presume cannot fail to excite their pity & endeavours for your pardon. And as by your absconding you excited the resentments of all your Acquaintance, I make no doubt but by a penitent return you may excite their Friendship & Commiseration. It is the opinion of the generality of People among us that you was seduced by the insinuation of Esq. R—t [Wright] & that your acquaintance with L. O. was of no service to you. If that be really the case you may perhaps expect the more favor. Esq. R—t [Wright] I hear has been privately at home, but what word he brings from you I don't learn. If it is in your power let me hear from you. I could perhaps better adapt this Epistle if I knew what your mind & situation now are, but since I do not, I must content myself with omitting many things I might mention should time and circumstances permit. But That you may be thoroughly convinced of your error—return to your allegiance to the American States—Be a faithful & true subject of the same—And experience the happy, happy effects of a pardon from your God and your injured Country, is, Once Dear Sir, the hearty desire & Prayer of your real well wisher and my Country's devoted Servant

A. CURTISS.

Dart<sup>mo</sup> College }  
 Sep<sup>r</sup> 22<sup>d</sup> 1777 } Mr. Levi Willard.

*A Compend of English Grammar, by Abel Curtiss.*

The following article, by Rev. HENRY A. HAZEN, of Billerica, Mass., was published in *The Dartmouth* of Oct. 19, 1877 :

*Editors of The Dartmouth* :—I have a small "Compend of English Grammar," which has enough curious interest, in relation to Dartmouth College, to justify a description in your columns. It came to my possession in 1874, belonging to the library of Rev. William Conant, the first pastor of Lyme, [N. H.,] 1773-1810. Judge Nathan Crosby, of Lowell, [Mass.,] made allusion to it in his recent and valuable address, "The Half-Century of Dartmouth College," and the inquiries, which have followed, develop the interesting fact, that this was probably the

Government of New York, and others were on the Royal side in the massacre at Westminster, but the allusion of Mr. Curtis to Levi Willard's father warrants the inference that he was a Whig.

very earliest, purely English, grammar written and published in America. I suspect that it was the first production of a Dartmouth graduate; and also of the state of Vermont.<sup>1</sup>

The author of this grammar was Abel Curtiss, who graduated in 1776. His father, Simeon Curtiss, came from Lebanon, Conn., and was one of the early settlers of Norwich, Vt., living on the river road, near the Hartford line, where Dea. Samuel Goddard now [1877] resides. Abel Curtiss lived but seven years after graduation, dying of consumption in Norwich, 1783, Oct. 1, at the age of 28; but his life, short as it was, developed such practical qualities, that Mr. Walton says, "Probably no man in Vermont of his age gave greater promise of public usefulness than Mr. Curtiss." He was a member of the Vermont Assembly in 1778, 1781 and 1782; was town clerk, justice of the peace and judge of Windsor County Court at his death; with Jonas Fay and Ira Allen, (brother of Ethan Allen,) *two of the foremost men* of the rising Vermont, he was agent at Congress in Philadelphia, in the winter of 1782, guarding with skill and effect the interests of the new state;<sup>2</sup> and in March, 1782, he was appointed by the Governor [and Council] a member of the "Board of War." He was also sent in 1782, by the four towns of Hartford, Norwich, Bradford, and Newbury, to bear their memorial to the government of New Hampshire. He was evidently a leading representative of the purpose, which was a favorite at Dartmouth College, if it did not originate there, to have the line of Vermont drawn so as to embrace the river towns east of the Connecticut; and when the plan failed, the not unnatural dissatisfaction of some of its warm friends found harmless expression, in overtures to New Hampshire, which were fruitless.

It was in the midst of these political activities, that this young Vermont scholar and farmer found time and disposition to produce the first American grammar of our language. As the copy, which I have, is the only one known to have been preserved, I give a description somewhat full. The title page is as follows: "A Compend of English Grammar: being an attempt to point out the fundamental principles of the English language in a concise and intelligible manner, and to assist in writing and speaking the same, with accuracy and correctness. Written by Abel Curtis A. B.

While education heard [bears] her gentle sway,  
And we her precepts cheerfully obey:  
While ev'ry breast glows with the gen'rous flame,  
And Britons envy our increasing fame,  
In mighty pomp America will rise,  
Her glories spreading to the boundless skies.

DRESDEN, Dartmouth College. Printed by J. P. & A. Spooner, 1779.'

<sup>1</sup>"Some Miscellaneous Remarks" &c., by Ira Allen, were printed at Hartford, Conn., in 1777, and Rev. Aaron Hutchinson's Sermon, before the Convention which adopted the constitution of Vermont, in that year, or not very long thereafter. Undoubtedly, however, the grammar of Mr. Curtiss was the first *school-book* written and published by a Vermonter.

<sup>2</sup>Hon. Elisha Payne, of Lebanon, N. H., was at the same time appointed one of the agents of Vermont to Congress, but he did not go on with his colleagues.

*Hon. Nathan Crosby on the Curtiss Grammar.<sup>1</sup>*

In the class of 1776, we find the name of Abel Curtis, of whom very brief record is made by Dr. Chapman. He is mentioned as having been "born in Lebanon, Conn., and having died in Norwich, Vt., in 1783, aged 28." That he "died a farmer, and was also a judge of a county court." I have one fact concerning him, of interest to the alumni, to which I call your attention, hoping some one who has a taste for the investigation may be stirred to the work. Rev. Mr. Hazen, of Billerica, Mass., placed in my hands the fragment of "A Compend of English Grammar, being an attempt to point out the fundamental principles of the English Language, in a concise and intelligible manner: and to assist in writing and speaking the same with accuracy and correctness. By Abel Curtis.<sup>2</sup> Printed at Dresden (Dartmouth college) by J. P. & A. Spooner, 1779," and measuring six inches by three and a half, [18mo.] while the standard British Grammar, printed in Boston in 1784, for the use of schools, measures seven and one half by four and a half inches, [12mo.] and numbers 281 pages. In his preface, he says,—"There is no treatise extant adapted to the genius and circumstances of the times, and fitted to young and vulgar [in the sense then of common] capacities, which points out the fundamental principles of the English language concisely and intelligibly," &c. and as "there is no prospect that any such performance will appear in print, by advice," &c. "presents his Compend," &c. "The order may be a little *new*," &c. It is dedicated to Prof. Ripley, and he says "it has the approbation of several gentlemen of eminent characters in literature."

I find no mention of this book in the various libraries in Boston, or in Brown's Book of Grammars, and I suppose, like its author, it died early. I wish, however, to raise the inquiry whether Mr. Curtis did not originate the great change in Grammars which soon after followed, reducing the rules and elements of instruction to smaller proportions and greater simplicity, to meet the limited education of those days.

Mr. Caleb Bingham graduated in 1782, and in 1785 he issued his "Young Lady's Accidence,"—a primer or a book of 74 pages, bound in boards, five inches by three, actual measure of the copy I have. He was in college when Curtis's Compend appeared, and graduated one year before the death of Curtis, and three years after the date of the Compend.

I only suggest, further, that Mr. Curtis did not live to protect his bantling; and whoever will read the prefaces of the two little books and examine their contents, can judge of their kinship, and may award to the earlier much of the originality as well as celebrity of the latter. I think Dartmouth is entitled, in this little book of Curtis's, to much of the credit of the new life, simplicity, and brevity thrown into the elementary school-books of the few following years, when American authors drove out of our schools English school-books, "none of which," said Webster in his "Third Part," "is calculated particularly for American schools."

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<sup>1</sup> From "The First Half Century of Dartmouth College: being Historical Collections and Personal Reminiscences, by Nathan Crosby, of the class of 1820. Read before the Alumni at the Commencement in 1875. Published by request and order of the Alumni. Hanover: J. B. Parker. 1876."

<sup>2</sup> Usually this name is thus spelled: but it has been seen that in the signature to the letter to Levi Willard it is "Curtiss."

Judge Crosby closed the paper, from which the foregoing has been extracted, thus:

And in closing, let me adopt the words of Abel Curtis, of the class of 1776, who, in the dedicatory address of his "Compend of English Grammar," in 1779, prayed that "Moor's Charity School might greatly flourish, till the sun and moon shall cease to shine."

### COLONEL JOHN WILLIAMS.

BY HON. HILAND HALL.

NORTH BENNINGTON, Dec<sup>r</sup>. 1879.

Hon. E. P. WALTON :

Dear Sir,—A question has arisen in relation to an entry in the Journal of the Vermont Council of Safety made the 16<sup>th</sup> of August 1777, the day of the Battle of Bennington, the proper investigation of which is of some historical importance, especially in the tendency of the facts it discloses to illustrate the confused condition of the inhabitants of the Northern frontier, their trials & hardships, during that year's memorable campaign of General Burgoyne.

The Council was sitting at Bennington, and the entry in the Journal, of which a copy is given in the first Volume of the Council Journal edited by you, under the authority of the State legislature, at page 143, is in the following words :

"STATE OF VERMONT. IN COUNCIL OF SAFETY  
August 16<sup>th</sup>, 1777.

*To Colonel John Williams :* Sir,—You will proceed with your party Towards the lines, and if the Enemy should retreat, you will Repair to the Road leading from St. Coik to Hoosach, and if you make any discovery Report to this Council ; At the same time you are to pay proper Attention to the Road leading from Hoosach to Powuall.

By order of Council, PAUL SPOONER, *D. Secy.*"

To the name of Col Williams, to whom the order was directed, you append a note as follows :

"Perhaps Col. John Williams of Salem N. Y.—See Vt. Hist. Soc. Collections Vol. II, pp. 71, 133—There was a captain John in the revolutionary war from Massachusetts, who may have been Colonel of Militia."

This order of the Council is the only place where the name of Col. John Williams has been found in connection with the Battle of Bennington, and though there was no other known Colonel of that name who could be supposed to have been at Bennington at that time, yet the circumstances appeared very strong against the probability of his being the man. The residence of Col. John Williams being at Salem, then known as White Creek, 25 miles to the Northwest of Bennington, and scarcely half that distance from the army of Gen. Schuyler on the Hudson, together with his military rank, and high official position in civil life under the government of New York, were such as seemed to render it quite unlikely that he could have been the officer thus ordered towards the lines by the Vermont Council. The doubt implied in your note was therefore well justified.

Who then was Col. John Williams of Salem *alias* White Creek ; and if it was he that was at Bennington, how came he there ?

Col. John Williams, a physician & surgeon, was one of the early settlers of White Creek, was, on the 29<sup>th</sup> of June 1775, elected one of the



delegates from the County of Charlotte, then comprising with other territory the present county of Washington, to the New York Provincial Congress, became Colonel of Militia of that County the 29<sup>th</sup> Sept. 1775; was elected in April 1776 one of the delegates to the New York Convention; was on the 8<sup>th</sup> of May 1777 appointed by the Convention one of the judges of the County, and at the first election under the newly formed constitution, in June 1777, he was chosen State Senator for the eastern district. He was also chairman of the Charlotte County Committee. See Calendar of N. Y. Rev. Manuscripts, Vol. I, pp. 65, 66, 147-8, 305-6; Vol. II, p. 289, & Jour. N. Y. Conv. Vol. I, pp. 917, 997, 1103.

It would appear by a letter from Gen. Schuyler, dated July 10, three days after the evacuation of Ticonderoga, that Col. Williams was then with him at Fort Edward. See *Hist. of Pittsfield*, Vol. I, p. 287-8.

Why, it may be asked, was he not with Schuyler at the head of his regiment on the 16<sup>th</sup> of August following, instead of at Bennington, as conjectured in your note? The answer is that the men of his regiment resided on the immediate frontier, & had either fled to the interior of the country for safety, or had submitted to the enemy.

On the same 10<sup>th</sup> day of July, 1777, that Col. Williams was with Gen. Schuyler at Fort Edward, General Burgoyne, leading his army of Veterans, Tories & Indians, had reached Skenesborough, now Whitehall, and had issued a proclamation commanding "The inhabitants of Castleton, Hubbardton, Rutland, Tinmouth, Pawlet, Wells & Granville, with the neighboring districts; also the districts bordering on White Creek, [Salem,] Camden, Cambridge &c. &c." to send ten persons or more from each township to meet Col. Skene at Castleton on the 15<sup>th</sup> of that month, who would "communicate conditions upon which the persons and properties of the disobedient might be spared." And the proclamation concluded with the following barbarous threat: "*This fail not to obey under the pain of military execution.*"—*Col. Vt. Hist. Soc. Vol. I, p. 181.*

It was useless for the inhabitants of those towns, within which were the homes of the men comprising Col. Williams's regiment, to attempt resistance to Burgoyne's army. If he should, as in his previous proclamations he had threatened, "let loose" his hordes of savages upon them, which he declared "amounted to thousands," there could be no escape for them. Great numbers from these frontier towns repaired to Col. Skene, and, taking the oath of allegiance to the crown, some from choice and some from supposed necessity, received written protections for their security. Of these a considerable number took up arms against their country and joined the invading army. But the more patriotic inhabitants, scorning submission to the invaders, abandoned their homes to the mercy of the enemy, and, taking with them such portion of their effects as they could hurriedly remove, fled to the southward, most of them going to Berkshire County, Mass., and Connecticut. Berkshire County, in the language of a contemporary, was "burdened with the fugitives." Among them were doubtless nearly if not quite all of the truly patriotic men of Col. Williams's regiment. He also, having no men to command, took refuge with his family in Berkshire County.

The second volume of the New York revolutionary documents, above referred to, at page 289, contains a petition to the New York Assembly, bearing date September 1, 1777, commencing as follows: "The Petition of the subscribers, Inhabitants of Charlotte county, most Humbly Sheweth," and is signed, first by "John Williams Chairman of County Committee," & then by "John Brown Chairman of New Perth Committee," & then follow the signatures of eighty-four other persons. The petition states that the subscribers were inhabitants of several districts in the

County, naming White creek, Granville, Skenesborough and others; that they had "encountered the fatigues and hardships incident to a wilderness and uncultivated country"; that they had voluntarily been to the support of Ticonderoga and had continued there until "the unhappy day of its evacuation." They then say that on the rapid approach of the British and Savage enemy, "Gen. Schuyler gave orders for us to withdraw and we immediately fled to the adjoining State of Massachusetts Bay and adjacent parts thereof, where we yet remain groaning under the hardships we feel, and trembling at the hardships we fear through the inclement winter season—having left behind us our crops, houses, farms, utensils, furniture—viz. our *all* but some clothing and a few cattle that escaped the hands of the enemy." \* \* \* "We therefore, who have been the Committees and inhabitants of said districts, most humbly implore your Honors to take this our distressed situation into your serious consideration, and waiting for such assistance as your wisdoms shall devise for our present relief, we as in duty bound will ever pray."

It appears, from this petition, that Col. Williams, instead of being at his home in Salem, New York, was a fugitive in Berkshire County, Mass. or its vicinity for about a month prior to the Battle of Bennington, and continued there for sometime afterwards. He was consequently in a situation which renders it quite likely that his patriotic feeling would impel him towards Bennington on the approach of the enemy, as it did numbers of the men with whom he was temporarily sojourning, and by whom the force of Gen. Stark in the battle was largely recruited. His favorable local position at the time of the battle removes all doubt about his identity, and makes it quite certain that Col. John Williams of Charlotte County, New York, was the officer to whom the order of the Vermont Council was directed, as had been conjectured in your note appended to the order.

It will be borne in mind that Col. Baum's lines, which Stark and his men attacked, were about seven miles to the northwest of Bennington Centre where the Council was sitting, and that the road from Berkshire to these lines passed through that village. From the language of the order it is plain that Col. Williams had arrived at Bennington late in the afternoon, when the battle had progressed so far and so favorably as to render it very probable to the Council that the enemy would be defeated. Col. Williams had doubtless come on horseback with a few friends he had hastily rallied, and had offered the services of himself and his party to the Council. It was too late for them to reach the lines in time to take part in the battle, but as a scouting party their services might be very valuable. Col. Williams was accordingly directed to proceed with his party, not to the lines but towards them, and if he learned that the enemy had retreated, to repair to the road leading from Sancoick (which was two miles west of the battle field) southerly to Hoosick, and also to look to the road from Hoosick to Pownal. They were not expected to go into the battle, but were directed "if they made any discovery" to "*report* to the Council." The enemy attempted to retreat, as Col. Williams doubtless ascertained, but most of them were taken prisoners; those who escaped scattering themselves singly or in small parties into the surrounding woods. Of the result of the search of the roads by the party no report is found, and no information has been obtained.

But if Col. Williams could not be in Bennington in time to take part in the battle, he was able to render very useful services after it was over, in his character of Surgeon. An original receipt has been found among the papers of the deceased Colonel, dated the next day after the battle, of which I have been kindly furnished with a copy by Benjamin H. Hall, author of the *History of Eastern Vermont*, which is as follows:

" Wmstown, August ye 17, A. D. 1777.

Received of Mrs. Williams the whole of Doct. Williams Amputating Instruments. I say received by me. SAM<sup>L</sup> PORTER."

After the battle there were a large number of wounded men, of both friends and foes, that required surgical aid, and there was, as we learn from reliable tradition, a great want of preparation for such an emergency. There was not only a deficiency of skilled surgeons, but especially a great lack of proper surgical instruments. Col. Williams, who was an experienced Surgeon, appears to have sent at once for his amputating instruments, which were in the care of his wife at Williamstown in Berkshire County, fifteen miles south of Bennington. They were delivered to be taken to him at Bennington by Samuel Porter, then either a young doctor or a medical student, who afterwards practiced as a Surgeon in Williamstown, and became extensively known as a skilful operator in the amputation of limbs, and died in that town in 1822, aged sixty-seven.—See *Allen's Biog. Dict'y.* That Col. John Williams of Whitcreek, alias Salem, N. Y., rendered patriotic and useful services in his military and also in his professional capacity of surgeon, in connection with the Battle of Bennington, there is no reason to doubt. He subsequently resided at Salem, acquired the rank and title of General, and was for several years State Senator, and was also one of the Council of Appointment.

Congratulating you on the very judicious and satisfactory manner in which you are editing and publishing the Council Journal in our State, and other important cotemporary documents, contemplated by the law of the State under which you are acting, I am, Dear Sir,

Very respectfully & truly yours,

HILAND HALL.

#### GEN. WILLIAM BARTON.<sup>1</sup>

From the record in the seventh volume of this work, and from other sources, suspicion may have obtained in some quarters that Gen. Barton was harshly treated by Vermont. The reverse is true. On his application, a township was granted to himself and others, and in his honor it was named *Barton*. Not out of land assigned to the General under that grant, but that assigned to Ira Allen, which Gen. Barton erroneously supposed he had legally obtained, this case rose. The details were given in the *North Star* of Dec. 7, 1824, a newspaper printed in Danville, where, within the jail limits of Caledonia County, Gen. Barton was detained until his release in Dec. 1825, through the generosity of Gen. LaFayette. This article was reproduced, in vindication of the late Hon. Heman Allen, [known as Chili Allen, to distinguish him from the late Hon. Heman Allen of Burlington,] in the *Vermont Watchman and State Gazette* of Aug. 23, 1831, from which paper it is now copied into this volume.

<sup>1</sup>See *Governor and Council*, Vol. II, p. 123 and index ; Vol. III, p. 55 and index ; Vol. IV, pp. 343, 352-3 ; Vol. V, index ; Vol. VI, index ; and Vol VII, pp. 501-2.

## GEN. BARTON.

Mr. EATON, Sir : In 1781 Gen. Barton and his associates, among whom was Gen. Ira Allen, were, by charter from the legislature of this state, constituted the original proprietors of the town of Barton.<sup>1</sup> The town was, by a vote of the proprietors, some ten years after, surveyed and apportioned among the respective grantees ; and a tax was imposed upon the several rights to defray the expense of the survey and settlement. In Dec. 1791, the rights, upon which the tax was unpaid, were sold by a collector chosen by the proprietors. Among these rights were those drawn to Gen. [Ira] Allen. Doct. Arnold, a friend and agent of Gen. Barton,<sup>2</sup> bid off the rights of Gen. Allen, and the latter having failed to redeem them, they were, at the expiration of the time limited by law, conveyed by deed from the collector to Gen. Barton. A part or the whole of the rights so obtained by Gen. B. were subsequently sold and deeded by him to different purchasers. In Oct. 1799, Jabez G. Fitch<sup>3</sup> levied an execution, he had previously obtained against Gen. Allen, on the rights originally allotted to the latter, and by that means vested in himself Allen's title to the land. The grantees of Gen. B. still remaining in possession of the rights in question, Fitch commenced actions of ejectment against four or five of them, and in one of them, the decision of which would of course determine the common principle upon which they all depended, obtained judgment in 1802 in the Supreme Court. Gen. B. appeared in the defence of these actions, as he had bound himself to do, by the covenants of warranty in his deeds to the defendants. The cause, which was decided against his grantee in 1802, he reviewed to the succeeding term of the Supreme Court, and the others remained on the docket of the Court to await the final decision of the one which was then litigated. The Court excluded from the Jury the deed from the collector [of taxes] to Gen. Barton, on the ground

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<sup>1</sup> The grant of a township, named *Providence*, was made "unto Colonel William Barton and Company, being sixty-five in number, Oct. 23, 1781." Subsequently the name was changed to *Barton*. In Vol. III of the *Vermont Historical Magazine*, p. 71, the names of twenty-nine of the original grantees are given, and among these are William Barton, Ira Allen, Elkanah Watson, and Paul Jones. Accompanying this grant was the following complimentary resolution :

Resolved that this Assembly, having the highest sense of the Merit of Colonel William Barton as an active, Brave and Intreppe officer in the Army of the United States, do Grant him two of said Rights in s<sup>d</sup> Township free of all expence.

At Col. Barton's request this resolution was reconsidered : nevertheless it stands upon the record as testimony to the good will of the State.—See *Governor and Council*, Vol. II, pp. 122—'3.

<sup>2</sup> Dr. and Hon. Jonathan Arnold of St. Johnsbury, who was a native of Providence, R. I., (as was Gen. Barton,) and a patriotic and influential citizen of his native state, as well as of Vermont.—See Vol. II, p. 51.

<sup>3</sup> Jabez G. Fitch was the first United States Marshal for the District of Vermont, who was appointed by Washington in 1791, and held that office until he was superseded by Jefferson in 1801. It was in Fitch's term that the alien and sedition act was enforced against Matthew Lyon.

that the proceedings in the vendue were illegal and of course insufficient to pass a title to the purchaser under it—the collector having neglected to give the notice required by law.<sup>1</sup> The cause, which was reviewed from 1802 to the following term of the Court, was continued, and while it was still pending and before a final decision was had, Gen. Barton and Fitch the Plaintiff mutually agreed to submit the question in controversy to the arbitrament of three men chosen by themselves. The arbitrators met, heard the parties in the premises, and made and published their award. With this award Gen. Barton failed to comply. Fitch subsequently conveyed his title to the lands in question to Heman Allen<sup>2</sup> and Samuel Fitch.

In 1806 Gen. Barton brought his bill in Chancery against Ira and Heman Allen and Jabez G. and Samuel Fitch, praying the Court to decree Heman Allen and Samuel Fitch to execute deeds to him of a part or the whole of the land conveyed by Jabez G. Fitch to them. The bill in Chancery was continued from term to term till, in 1809, the Court decreed a specific performance of the award made by the arbitrators. The defendants to the bill subsequently preferred a petition for a rehearing, and in 1814 the decree of 1809 was vacated, and in 1816 upon a new hearing, the original bill was dismissed with part cost to the defendants, amounting, as taxed, to less than fifty dollars. Gen. Barton's title to the lands in question having failed, his grantees commenced suits upon his covenants of warranty, obtained judgments against him, and, on his neglecting to pay them, he was in 1812 committed to goal in this place, [Danville,] where he has remained ever since.

Such is a brief outline of the case of Gen. Barton : And the enquiry arises, whether he has any ground for complaint, either in relation to the parties with whom the suit has been litigated, or the government under the administration of whose laws the suit has thus terminated.

In forming an impartial opinion upon the subject, it may not be improper to inquire what have been the measures resorted to, subsequently to his commitment to jail, by the party who supposed himself injured, and what has been the result of these measures.

In the first place, Gen. Barton has repeatedly petitioned the Legislature of this State for redress, and, upon a disclosure of the facts in his case, has as repeatedly failed of convincing that body of his claims to relief. An enlightened and intelligent Committee of the Legislature, one of the members of which, without having been employed in the case, was familiar with the whole history of the bill in chancery, discovering no merits in his case, reported in substance that, as the petitioner had ample pecuniary means of relief, he ought not to expect assistance from the State. Indeed it would have been entirely unprecedented for the government to interpose either their authority or their charity in a case where the former would have been illegal and the latter unmerited.<sup>3</sup>

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<sup>1</sup> From the first case of this sort, down to the present time, the courts have uniformly so held. Gen. Barton was but one of many whose claims have failed for want of compliance with the statutes in such cases made and provided.

<sup>2</sup> "Chili" Allen, son of Heber and nephew of Ira Allen.

<sup>3</sup> On each occasion the petition of Gen. Barton to the Legislature of Vermont was reported adversely, and the report was concurred in. The record of the report of the Committee on Insolvency in 1821 was as follows :

The same committee, to whom was referred the memorial of William Barton, praying that he may be liberated from imprisonment for reasons

Gen. Barton, having failed entirely in his application to the State Legislature, preferred a petition to Congress, praying for such relief as that body should think his case demanded. His petition was referred to the Military Committee, consisting, among others, of Dr. Eustis, who was a revolutionary soldier, and of course a man from whose sympathies the petitioner could expect every prepossession in his favor which the circumstances of his case could possibly warrant. Another individual of the committee was personally acquainted with the facts involved in the case and consequently qualified to do justice to the petitioner's claims. Thus, it should seem, the case had at length reached a board from which Gen. Barton was assured of a patient examination and as favorable a report as if himself had elected the committee. But unfortunately for the petitioner, the committee thought the claims of sympathy much less imperious than those of justice, and the application to Congress consequently terminated in as total a failure as the petition to the State Legislature.<sup>1</sup>

It is worthy of remark that Gen. B. not only does not pretend he is poor and unable to discharge the sums for which he is confined, but, on the contrary, instructed the individual, who drafted his petition to Congress, to insert no claim on the ground of poverty. Indeed he openly proclaims his ability to pay the debts in question, and assigns as one reason, among others, for neglecting to discharge them, that he has made a solemn oath that he will never leave the place of his confinement without, as he emphatically expresses himself, *some* satisfaction for the injustice which has been done him. His claim, it should further be remarked, is of an exclusively *pecuniary* nature. He is, however, much less exorbitant in his demands than when he was first committed, and the *amount of satisfaction* which he claims, has diminished in the same proportion that the prospect of obtaining it has lessened. It is also true, that he declares it a consideration perfectly immaterial, whether he receives pecuniary redress from those whom he represents as his oppressors, from the government in which the alleged injustice has been practiced, or from the charity of individuals in no way connected with the transaction of which he complains. He has even requested that a paper should be drawn up, in which the charitable should subscribe such sums for his benefit as the services and the sufferings of "an old revolutionary officer" should prompt them to bestow—and this he asks, notwithstanding he possesses, in addition to a considerable estate, which he has long owned,

in the petition stated, made *report*, That the committee fully appreciate the services of the petitioner to the United States, and regret that he does not draw from his pocket that relief which he solicits from this assembly.

This report was concurred in by the Assembly, and the petition was dismissed.—See printed *Assembly Journal* of 1821, p. 128.

<sup>1</sup>Dr. William Eustis, LL. D., served as surgeon during the revolutionary war, was member of Congress from Massachusetts 1800–1805, and 1820–1823; Secretary of War 1809 until Hull's surrender, when he resigned; Minister to Holland in 1815, and Governor of Massachusetts 1824 until his death, Feb. 6, 1825. A search has been made, but in vain, among the Congressional Documents in the State Library, for the report of the Committee on Gen. Barton's case. It is obvious, however, that, with the same facts, the Congressional report must have been in harmony with those made to the Assembly of Vermont.

the avails of some eight or ten years' annual pension from the government of \$360. But he has resolved that *his own* money shall never be appropriated to the payment of what the highest tribunal in the State has solemnly declared to be *his own debts*. The motive from which this resolution has proceeded it is not the business of the writer of this article to determine. It is sufficient for him to have stated the fact; and it becomes the province of an impartial public to draw such inferences as that fact shall in their opinion warrant.

It has been stated, and the statement has taken the rounds of our newspapers, and has even attracted the notice and drawn upon our government the illiberal and triumphant sneers of a foreign editor, that this unfortunate officer of our revolution is now immured "within the walls of a noisome dungeon," without the means of paying the debt for which he is confined. The extent of the yard, within which the General is confined, is two miles square, and his remaining even within its limits is purely voluntary. W.

[NOTE BY THE EDITOR OF THE STAR]—The name of the foregoing correspondent is left with the printer. While we lament the misfortunes of Gen. Barton, they may probably be attributed, in a great degree, to his rejecting the award of the arbitrators and to his subsequent rash and injudicious vow.—ED. STAR.

Ebenezer Eaton, the editor and printer of the *North Star*, was a brother of the fearless and famous General William Eaton, and both had in them a very strong flavor of that revolutionary patriotism prevailing when they were born. The editor of the *Star* had also been, when the above note was written, for twelve years the near neighbor and doubtless the personal friend of Gen. Barton. The note is therefore strongly confirmatory of the truth of the article which precedes it. No amount of unreasonableness on his part can rob Gen. Barton of the admiration and gratitude of his countrymen for his services; but all of them must regret that he did not appreciate the fact that his losses were purely from the fault of the collector who sold the land, and the neglect of his agent to verify the legality or illegality of the sale. And more: regret also that he did not justly appreciate the fact that for years he wronged those who had purchased of him in good faith and relying upon his warranty. The case is a sad one, but in no degree are the wisdom and justice of Vermont, or of its courts, impeached.

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#### HON. TIMOTHY STANLEY.

Henry Blake, of East Hardwick, states, on the authority of Hon. D. W. Aiken, that Mr. Stanley was once a Presidential Elector; that he was appointed messenger to bear the electoral votes of Vermont to Washington city; and that he rode the entire distance on horseback. It is an incident worth noting. Mr. Stanley was an elector in 1820, and voted for James Munroe to be President, and Daniel D. Tompkins to be Vice President. At that time a large number of the State officers and members of the two Houses of the Legislature were accustomed to come to

Montpelier on horseback, to pasture their steeds in Montpelier, Berlin, and Middlesex during the session, and return to their homes in the same manner. But at that time there were steamboats on Hudson river and stages from New York city to Philadelphia and to Washington city, so that the journey of Mr. Stanley was so extraordinary as to deserve this notice. One may read of the journey of Daniel Webster from Baltimore to Washington when *he* thought that his driver was an accomplice of highwaymen, and the driver thought that Webster was himself a highwayman. It was an amusing instance of misapprehension. The journey of Mr. Stanley, "solitary and alone," must have been accompanied with many uncomfortable suggestions. That journey is dreary enough even now, but in older times it must have been altogether repulsive. The writer of this note has made it more than once when the road was guarded by armed men—in 1861–1863.



## APPENDIX H.

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### CLAIM OF COGNAWAGA INDIANS TO LAND IN VERMONT.

In volume four, page 186, reference is made to this now ancient claim, and the several documents in the Vermont records relating thereto were cited, but their publication was then waived "for the reason that this claim has been repeatedly presented and reported upon in accessible printed documents." The claim is for more than two millions of acres of land, the money value of which has been estimated by the claimants at nearly ninety thousand dollars. This claim has been pressed on different occasions from 1798 until 1874. It is a large claim, and will possibly be urged hereafter. For these reasons, and the possibility of throwing some little new light upon it, it is deemed best to preserve here a full record, and to add some facts not heretofore given in the Vermont documents.

[From *Spooner's Vermont Journal* of Nov. 6, 1798.]

LEGISLATURE OF VERMONT, Oct. 23, [1798.]

His Excellency sent the following Message to the Hon. House.

IN COUNCIL, Oct. 23, 1798.

*Mr. Speaker*,—I do myself the honor to lay before the General Assembly certain papers, together with an application made to me by a deputation of a number of Indian Chiefs of the Seven Nations of Lower Canada, who conceive they have an equitable claim to compensation for the loss of their hunting grounds within this state.

As they are attending in this place [Vergennes,] for the sole purpose of receiving an answer to their application, you will give me leave to suggest the propriety of an early attention to the within communications.

ISAAC TICHENOR.<sup>1</sup>

The following Chiefs, being introduced by the High Sheriff of Addison county, took their seats.—*Unowee Goodstream, Afauhassah, Sonoo-swoosee, Taahsah, Toosicnowahsassee.*

Unowee Goodstream delivered the following Talk :

*Great Friends*,—We have had the luck to come so far from the great council fire of our own nation, to tell you of the joy we have to talk with the Honorable Governor, the great Father of Vermont.

*Great Friends*,—We wish the great Chiefs of the Council happiness.

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<sup>1</sup> Corrected from the printed *Assembly Journal* of 1798, p. 107.

*Great Friend, and Friends*.—Since we have come so far to speak to the great council of Vermont, in their big Wigwam in the city of Vergennes, we hope we shall be heard with attention.

*Big Fathers*.—I who now speak to you am *Chief* of the *Cognahaugah* [or *Cognawaga*] Indians—I hope you will hear me on behalf of my whole nation. May the great Spirit brighten the chain of friendship between our tribes; may the pathway between us be kept so plain as that a little child may find it when the sun is asleep in his blanket under the western waters.

The *Chiefs* then presented a letter of introduction from Meldad Woolsey, Esq., formerly Indian Agent for the state of New York, and the credentials, of which the following is a copy, signed by twenty Chiefs of the Seven Nations.

[*Letter of Mr. Woolsey.*]

CUMBERLAND HEAD, Oct. 6, 1798.

Sir,—I am called on by a deputation of seven Chiefs of the Seven Nations of Lower Canada, who desire a letter of introduction to your Excellency. The application to me proceeds from my formerly having been the agent of this state to supply them when they held their treaty with us under the sanction of the United States.

These persons are of the first respectability among their own people, and are now proceeding to attend the Legislature of the state over which you preside. They have some claims similar to those made on this state, [New York,] and which were extinguished at the treaty before mentioned.

Having no acquaintance with the authority of the state of Vermont, they request me to mention to your Excellency that in all their negotiations with us they have received the aid of government to provide for their subsistence and comfort.

I hope your Excellency will pardon me for this intrusion, at their request. I have assured them of receiving a polite reception from your Excellency individually,<sup>1</sup> and hope that as this appears to be the last of their demands, it may be satisfactorily done away. I have the honor to be, with the most perfect respect, Your Excellency's most obedient and most humble servant,

MELD. WOOLSEY.

His Excellency Gov. Tichenor.

[*Copy of the Credentials of the Chiefs.*].<sup>2</sup>

"His Excellency Isaac Tichenor, Esq. Governor of the State of Vermont: *Great Brother*.—We the Chiefs and Councillors of the Seven Nations of lower Canada Indians, send our love and respect to you, and your family, by five of our agents, which we the chiefs have sent to you to treat about our *hunting lands*, that lie in your state. Beginning on the east side of Ticonderoga, from thence to the great falls on Otter Creek, and continues the same course to the height of land, that divides the streams between Lake Champlain, and the river Connecticut; from thence along the height of lands [to] opposite Missisque and then down to the Bay:—That is the land belonging to the seven nations, which we

<sup>1</sup> Gov. Tichenor was a paragon of politeness, and the phraseology of this letter indicates that Mr. Woolsey was aware of that fact.

<sup>2</sup> Corrected from the printed *Assembly Journal* of 1798, p. 108.

have sent to settle for with you, as we have settled with York state. So we hope you will be pleased to receive our agents, and that it will be settled, so that both sides will be contented.

"Cognahwaghah, the 29th of September, 1798."

Signed by twenty Chiefs of the different nations.

His Excellency, after hearing the talk and receiving the letter recommendatory, and the credentials, informed the Chiefs that he should, with the Council, take the communication into consideration. The Chiefs then retired.

OCTOBER 16, 1798.

The Chiefs came before the Governor to answer some questions which had been previously submitted to them, relative to the evidence of their claims to the lands in question; being dissatisfied with their interpreter, they requested to meet the Governor on the 18th inst.

OCTOBER 18, 1798.

The Chiefs addressed the Governor as follows:

*Brother*, The great spirit has directed this day to be a day of joy, as we meet the great Governor of Vermont and his whole family; and we sincerely hope this meeting will be happy to us all. Our interpreter, Mr. Fraser, will deliver in writing what we have to say respecting our lands. Upon which Mr. Fraser delivered the paper No. 1, (read it.)

[No. 1.]

*To the Hon. ISAAC TICHENOR, Esq. Governor of the State of Vermont,*

GREAT BROTHER, You require how the lands which we claim became ours, to which we answer that it was given to our forefathers by the supreme spirit for our inheritance, together with the wild beasts for their food, and the skins thereof for their clothing; from our forefathers it descended to their children, and as they have not sold nor given it to any one it remains our proper inheritance.

*Brother*, Our claim is equitable, we hope you will therefore consider it and do us justice. You enquire who were our neighbors, to which we answer, that on the south west were the Stockbridges, and on the north east by the Abenakees of St. Francois, of whom you may enquire as to the justice of our claims, and also of our brothers, the white people of Canada.

*Brother*, Our desire is to make an amicable settlement, so that if any of your people should come amongst us we may feel toward them as brothers, who have used us well; and if any of us should happen amongst your people we wish to be considered as brothers in friendship.

*Brother*, As our demand is unexpected to you, should you wish to delay, for the purpose of informing yourself, it will be very agreeable to us, for all we want is justice; but at all events we have to request that you will return us an answer in writing to this and the papers we have handed as soon as convenient, for the purpose of showing to the Grand Chiefs of the Seven Nations of Lower Canada, and we wish you to take copies of the papers which we have heretofore handed, and return us the originals. Should you wish for any further information of us, we will endeavor to give it to you. Mean time I remain, with sincere wishes of welfare to yourself and family. great brother, Your most obedient humble servant,

HONASIO, *Orator for the Seven Nations.*

The Governor enquired of the chiefs, whether their ancestors, the *Cognowagahs*, were not anciently of the Seven Nations of Indians?<sup>1</sup>

*Ans.* That was an old affair, they however believed it was so.

*Ques.* Did they not separate from the confederacy in the wars between the Kings of England and France? And did they not remove into Canada and join the king of France in all his wars against the king of England?

*Ans.* They acknowledged it was so, but were ignorant of its consequences, and were enticed from their lands by the French.

*Ques.* The Governor asked them if they had any evidence of a settlement with the state of New York, as stated in Mr. Woolsey's letter.

*Ans.* The chief replied they had papers which would show a settlement with New York, but supposed it unnecessary to bring them to a different state and had left them at home. They found it difficult to negotiate with white people as it was hard to make themselves understood; they had found the same difficulties before; they had travelled so far as Philadelphia, and was then sent back for papers. He the chief was present at the settlement with the state of New York. The land claimed from New York was from Charleton Island in Cataraqua to lake George, from thence along the west side of lake Champlain to Canada line.

The Governor inquired if the Mayor of the city [Vergennes] had furnished them with suitable accommodations.

*Ans.* They have no complaint to make; the Mayor has placed them where he thought proper, and if the Governor should visit them, they should place him where they thought proper, and suppose he would be contented; the Indians made it a rule never to express discontent where they were guests.

The Governor informed the Chiefs that he would furnish them with the papers they wished,<sup>2</sup> and would lay their matters before his brethren the Legislature, and doubted not but that satisfactory notice would be taken of them: the reason why he had not informed the Legislature before of their matters was because he had not obtained from them the evidence of their claims.

*The above minutes taken at the request of his Excellency and the Council.*  
Vergennes, Oct. 25, [1798.] ROYAL TYLER.<sup>3</sup>

<sup>1</sup> The Iroquois, originally a single tribe residing in Montreal and vicinity, in subjection to the Adirondacks, subsequently entered New York and became five tribes, to wit, the Mohawks, Oneidas, Onondagas, Cayugas, and Senecas. To these were added the Tuscaroras in 1712, who were related but not admitted to the full privileges of a tribe. From that period the Iroquois were recognized as the *Six Nations*.—*League of the Ho-de-no-sau-nee or Iroquois*, by Lewis H. Morgan, Rochester, 1851.

<sup>2</sup> The papers presented to the Governor at the first interview.

<sup>3</sup> ROYALL TYLER, wit, poet, and jurist, was born in Boston, July 18, 1757, graduated at Harvard University in 1776, and died at Brattleborough Aug. 16, 1826. He studied law in the office of John Adams, and became an aid to Gen. Benjamin Lincoln, in which capacity he came to Vermont during Shays's rebellion in 1787. Settling at Guilford, then the most populous town in Vermont, he became an assistant judge of the Supreme Court in 1801, which position he held until 1807, when he was elected chief justice, and from year to year until 1813. In 1809 he

[From the printed *Assembly Journal* of 1798.]

IN GENERAL ASSEMBLY, Oct. 23, 1798.

The Governor communicated the papers to the Legislature, which were referred to a committee consisting of Lieut. Gov. Brigham, Ebenezer Marvin, and John Strong, of the Council, and Messrs. Peter Wright, Benjamin Burt, Samuel Williams, Oliver Gallup, Daniel Chipman, Reuben Hatch, Udney Hay, Elisha Sheldon, and Reuben Blanchard of the House.<sup>1</sup>

IN GENERAL ASSEMBLY, Oct. 29, 1798.

The committee, to whom was referred the consideration of the communications, from his excellency the governor, relative to certain Indian claims, Made report, That their chief claims, as their ancient hunting ground, as much land, within this state, as is contained within the following bounds, to wit: beginning on the east side of Ticonderoga, from thence to the great falls on Otter Creek, and continuing the same course to the height of land that divided the streams between Lake Champlain and Connecticut river; thence along the height of land opposite Missisquoi; and thence to the Bay.

And, that, while the committee are of opinion that they have had a claim to the above described land, by a title arising from an agreement, entered into with other nations, the aborigines of this country, they cannot ascertain whether that title has been extinguished, by purchase, conquest, direliction of occupancy, or in any other way whatever.

At all events the committee are clearly of opinion, that no settlement can be made with these Indians, respecting their land claim, by the legislature of this state, without permission of the United States; and they found their opinion on the fourth section of an act entitled "An act regulating trade and intercourse with Indian tribes," passed July 22d, 1790, which declares that no sale of lands made by Indians, or any nation or tribe of Indians, within the United States, shall be valid to any

published two volumes of reports of cases in the Supreme Court of the State of Vermont. In 1786 he wrote "The Contrast," a comedy, which was the first original play ever put upon the stage in America. He was the author of other successful plays, and in 1799 of a fictitious memoir in two volumes, entitled "The Algerine Captive." He also contributed largely to the literary newspapers of his day, among which must be ranked *The Farmers' Weekly Museum*, published at Walpole, N. H., which, though a country newspaper, had contributions from the best literary writers in New Hampshire and Vermont—Tyler and Thomas Green Fessenden certainly of Vermont, and probably the late Judge Prentiss, who was one of Fessenden's intimate friends. Gov. Tichenor was an intense Federalist, and Tyler an intense democrat of the Jeffersonian school, albeit a student in the office of John Adams; and the employment of Tyler by Tichenor on this occasion must be explained on the theory that, politics aside, they were "hail-fellows well met."—*Duykinck's Cyclopædia of American Literature*; *Drake's Dictionary of American Biography*; and *Vt. Legislative Directory*, 1876-77.

<sup>1</sup> *Governor and Council*, Vol. IV, p. 186, and printed *Assembly Journal* of 1798, p. 109.

person or persons, or to any state, whether having the right of pre-emption to such lands or not, unless the same shall be made and duly executed, at some public treaty, held under the authority of the United States.

The committee, under all these circumstances, are of the opinion, that his excellency the governor be requested to inform the said Indians, that, when they shall exhibit clear and circumstantial proofs, that the claim they now make is founded on the unerring and unalterable rules of justice, and shall produce therewith the necessary documents, authorizing this state to treat with them, they will find their brethren of Vermont ready and willing to maintain inviolable the most friendly intercourse with the Indians of the seven nations, and to do and perform all those acts of kindness and generosity which their strong principles of justice cannot fail to inspire.

The committee therefore would advise that his excellency be further requested to obtain, from the state of New York, all the information he can and shall deem necessary, respecting a similar claim, made by the same Indian tribes, on that state, and the nature and extent of the compensation allowed to them thereon: and that he cause to be presented to them, as soon as conveniently can be done, a token of friendship and affection, from their brethren of Vermont, in such articles as he shall deem best, not exceeding in value the sum of one hundred dollars; and that he cause their maintenance, while here, to be regularly paid for.

The committee further advise that his excellency be authorized to draw on the treasury of this state, for such sums as he shall deem necessary, for defraying the expence of the whole of this business, not exceeding the sum of ——— dollars, and that the treasurer be authorized to pay the same.

PAUL BRIGHAM, for Committee.

Which report was read and accepted: *Ordered* that Mr. [Udney] Hay, Mr. [Aaron] Storrs, and Mr. [Abel] Knapp be appointed a committee to prepare and report a bill for the purpose.<sup>1</sup>

IN GENERAL ASSEMBLY, Oct. 31, 1798.

Mr. [Udney] Hay introduced a resolution, which was read in the words following, to wit:

*Resolved*, the governor and council concurring herein, that his excellency the governor be requested to obtain the best information he can respecting the late treaty held between the state of Newyork and some of the Indian nations, on a claim made by the said Indians to lands within that state; and if he shall find that the commissioners, appointed by the authority of said state, did not admit the claims of the aforesaid indians to the lands aforesaid, and if it shall appear to his excellency that the claims, lately made by the same Indian nations, to lands within this state, cannot be maintained, upon either legal or equitable principles, his excellency in that case is hereby authorized and confirmed to appoint a commissioner to go to one or more of the said indian nations, and order [under] the direction of his excellency to assign to them the proper reasons why their claims to lands within this state cannot be admitted.

*Ordered*. That Mr. [Udney] Hay, Mr. [Daniel] Chipman, and Mr. [Jonathan] Robinson be appointed to prepare and report a bill to carry the foregoing resolution into effect: And that the report of the committee appointed on the communications of his excellency, relative to indian claims, be referred to said committee.<sup>2</sup>

<sup>1</sup> Printed *Assembly Journal* of 1798, pp. 164-166.

<sup>2</sup> Printed *Assembly Journal* of 1798, pp. 205-'6.

This committee, through Mr. Hay, reported a bill, which became a law, as follows :

*An act respecting a claim made by some of the chiefs of the seven indian nations of the province of Lower Canada, in behalf of their respective nations, of [to] lands within this state.*

Whereas a claim is made, by the indians above mentioned, to a tract of land within this state, contained within the following bounds, viz. [reciting the boundaries hereinbefore stated.] And whereas this assembly feel a strong desire to maintain perfect peace and good understanding with the nations above mentioned, although this claim stands entirely unsupported by any legal or equitable proofs, hitherto exhibited to this assembly. And whereas the state of New York have lately held a treaty with the said indians, on a claim for lands of a similar nature to that which is now made by them on this state : Therefore,

SECTION 1.—*It is hereby enacted by the general assembly of the state of Vermont*, That his excellency the Governor be, and he hereby is desired, to pursue such mode as he shall think proper, for obtaining a full, complete and official information, from the proper department of the state of New York, aforesaid, with respect to the nature of the claim made by the aforesaid indians, for lands within that state, and the termination [terms] of the treaty held between the said state, and the said indians, in consequence of that claim.

SECTION 2.—*And it is hereby further enacted*, That if his excellency the governor shall receive information, through the channel above described, that the claim of the said indians was not allowed by the said state, or should be convinced that their claim on this state ought not to be admitted, his excellency is hereby authorized and empowered to appoint a commissioner to go to one or more of said indian nations, and, under the direction of his excellency, to assign to them proper reasons why their claim for lands within this state cannot be admitted. And to transmit, at the same time, by the said commissioner, to the said nation or nations, some token of friendship, not exceeding in value the sum of one hundred dollars.

SECTION 3.—*And it is hereby further enacted*. That his Excellency the governor be, and he is hereby requested, to cause to be presented to the indians aforesaid, now in the city of Vergennes, and in such manner and form as to his Excellency shall seem best adapted, for the answering the purpose intended, a present of affection, not exceeding the value of one hundred dollars. And shall, at the same time, cause their maintenance, while they remain within the city of Vergennes as aforesaid, to be regularly paid.

SECTION 4. *And it is hereby further enacted*, That his excellency the governor be, and he is hereby authorised, to draw on the treasurer of this state for the purpose of defraying the whole of the expence of this negotiation, such sum or sums, from time to time, as the same shall become necessary to be paid, not exceeding in the whole, five hundred dollars. And the treasurer is hereby authorised and required, to pay the same, out of any monies which may be in the treasury, not appropriated for other purposes. *Passed November 5<sup>th</sup>, 1798.*

*A true copy,*

*Attest, ROS. HOPKINS, Secretary.<sup>1</sup>*

<sup>1</sup> Printed *Laws of Vermont*, 1798, pp. 124-127.

*Report of Gov. Tichenor—1799.*

IN GENERAL ASSEMBLY, Oct. 28, 1799.

A message from the Governor [and Council] by Mr. Whitney their secretary.

Mr. Speaker—I am directed to lay before the House a communication from his Excellency, the Governor, relating to claims of the seven nations of Indians of Lower Canada, which he laid on the table and then he withdrew.

The communication was then read as followeth, to wit:

*Gentlemen of the House of Representatives*,—Herewith I do myself the honor to lay before you the result of the enquiries I have made, relative to the claims of the seven nations of Indians, of Lower Canada, in pursuance of the act of the Legislature on this subject passed at their session in October last.

I cannot learn that the state of New York were governed so much by a principle of justice, as policy, in the compensation made by them, in their late treaty with these people. The claims of the Indians to lands in the state of New York, and for which they received a compensation from that government, I conceive to be somewhat variant from their claims to lands in this state. The greater part of our lands was granted by the King of England, without any express reservation of an Indian claim; while the lands in New York were principally vacant, and the hunting ground of the claimants.

It has not been in my power to obtain any documents that would give any accurate information of the ancient claim of these Indians to the lands in question, but from the long and settled usage [and] principles which have governed nations in similar cases, I conceive their right, whatever it may have been, extinguished.

These Indians, the Cognawagahs, are anciently of the confederacy called the five [subsequently six Iroquois] nations; which confederacy, or some nation of that confederacy, might have once had a good right to the territory now claimed.

In the former wars, between the English and French, while the English king held the governments of this country, it is believed the Cognawagahs separated from the confederacy, removed into Canada, put themselves under the French, and joined their fortunes with the French king in his wars with the English: the latter being victorious conquered the French, and all their allies in this country and in Canada; upon which the whole country was yielded to the English, in right of conquest.<sup>1</sup>

The treaty which terminated that war, and which was made for all those who were united with the French, or were inhabitants or held rights in the province of Canada, reserved certain rights and privileges, to all the conquered people of that province. Their rights, so reserved,

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<sup>1</sup> It is undoubtedly true that the conquest of Canada by the English and Americans was due in a very large degree to the Indian tribes [then six] embraced in the Iroquois League. About one eighth of that people had been seduced by the French officers and missionaries to join France, and among these were the Cognawagahs of St. Regis, &c.; but the seven eighths, who comprised the Iroquois League, were staunch friends of the English through the war with France, and also, one tribe excepted, through the revolutionary war. The author of the *League of the Iroquois*, p. 23, said:



were considered to extend beyond the limits of that province; in this the Indians acquiesced, for and during all the time the English were in the possession and government of this country. It is also believed that the Indians never caused the voice of their claims to be heard, respecting these lands, during the existence of this government, or at any period since the conquest, or since the grant of these lands by his Britannic majesty.

I may also add, that in the year 1775, when the king of England, who had granted these lands, made war upon this country, these Indians were his allies in that war, and thereby subjected themselves and interest to its consequences. The people of the United States were victorious, and the king of England, by treaty, yielded to the United States all the lands to the south of Canada. Thus, in my view, the claims of the Indians have been extinguished.

Although by the act submitting the examination of the Indian claim to me, it becomes my duty to make known the result of the investigation to the Indians in the first instance, yet the importance of the subject induces me to lay my views of it before the legislature, and receive such further communications as they may direct.

The present of one hundred dollars has been received by the chiefs, and their expences paid while at Vergennes. No expence has been incurred, in the management of this business, except a small sum, given by judge Hathaway, to influence the chiefs, on their way to attend at this place, to return back. All which, with due deference and respect, is submitted to the consideration of the Legislature.

ISAAC TICHENOR.

In Council, October 28th, 1799.

This document was referred to a committee consisting of Samuel Williams, Gideon Olin and James Witherell of the House, and Paul Brigham and Luke Knoulton of the Council, which committee made the following report:

The committee, to whom was referred the communication of his Excellency the Governor, relative to the claims of certain chiefs of the seven nations of Lower Canada, made report, that in the opinion of the committee the claims of the chiefs of the seven nations of Indians of

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Both the English and the French were fully aware of the important part the Iroquois were destined to bear in the drama of colonization; but the former, by their superior advantage of position, and from their greater dependence upon the forbearance of the League, were induced to pursue a course of policy, which gained their unchangeable friendship. The French would inevitably, if unopposed by them, have possessed themselves of the greater part of New York, and, perhaps, have established their empire so firmly, that the united forces of the English colonies would have been unable to effect their displacement. *At one period, the French had pushed their settlements up lake Champlain, until both sides of the lake, as far up as the foot of lake George, were covered with French grants.*

The last statement has an important bearing upon the claim of the Cognawagahs, showing that before and while these Indians were the allies of the French, the authorities of the latter recognized in them no title or interest in the land in Vermont which they have since claimed. Of this more hereafter.

Lower Canada are not founded in justice or equity ; That, at the time when the territory, comprehended within the said Indian claims, was granted by the British king to his subjects in fee, the said Indians were a part of said subjects of the said king and under his protection and government : and that at the time of the peace taking place, between his Britannic majesty and the United States, if any such claim, or even balance of claim, before that time existed, it was done away by the treaty of peace then made and ratified between the king of Great Britain and the United States. They therefore recommend to the House to pass the following resolution:

*Resolved*, That his Excellency the Governor of this state be requested to notify the chiefs of the seven nations of Indians inhabiting lower Canada, that the state of Vermont has taken all possible care to examine into the merit of the claims mentioned in their communications to his Excellency the Governor, at the city of Vergennes, in October, 1798, and are fully of opinion that their claim, if it ever did exist, has long since been done away and become extinct, in consequence of the treaty of peace in 1763, between the king of Great Britain and the French king; and the treaty of peace between the king of Great Britain and United States, of which this state is a part, in the year 1783, and that the said Indians have now no real claim, either in justice or equity.

The said report being considered, *Resolved*, That the House do accept the said report.<sup>1</sup>

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*Report of Gov. Tichenor—1860.*

AT MIDDLEBURY, IN COUNCIL CHAMBER, Oct. 27, 1800.

*Mr. Speaker* : In pursuance of a Resolution of the House of Representatives, passed in November last, relative to the Indian titles to lands in this state, it became my duty to make known to their people the determination of the government respecting their claims.

In January last, I had a conference with five of their nations, and furnished them a copy of the aforesaid resolution respecting their claim. They alleged, as they were on other business, they could not officially receive it. During the session of the present Legislature a new set of Chiefs, joined by a representation from the Abernaki nation,<sup>2</sup> have come forward, properly authorized to make a final settlement of their claims.

In the repeated conferences I have had with them, I have endeavored to explain to them, in a clear and explicit manner, the reasons which induced the Legislature to decide against the justice of their claims. It would be too tedious, as well as in some measure unentertaining, to detail on paper to the General Assembly, everything that has passed at the different interviews I have had with their Chiefs. The secretary of

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<sup>1</sup> Printed *Assembly Journal* of 1799, p. 142 ; and *Journal of the House of Representatives of Vermont* for 1854, p. 621.

<sup>2</sup> Abinaki and Abinaqui. The home of this tribe was formerly in Maine, where, about 1692, the Jesuit missionary Sebastian Rasle settled among them at Norridgewock. There they were attacked by the New England colonists, their village was destroyed and Rasle slain.—*Schoolcraft's Indian History*, Part Sixth, pp. 174-'75. The claim made upon Vermont in 1800, in behalf of the Abinaqui, seems never to have been renewed.

Council will lay before you the official papers on this subject, and, in particular, my last address to them.

I cannot but flatter myself that they are now fully satisfied, if ever a claim existed, it is wholly extinguished; and although they will not acknowledge it, in their official capacity, yet I am well persuaded that they will not trouble the Legislature in future. As to the hint in the close of my last address to them—that probably the legislature will give them something to help them in their way home, you will be pleased to take such order thereon as shall seem expedient.

I can not, however, forbear to remark that in my opinion such measures ought to be adopted as will be calculated to promote the highest harmony and good understanding between them and the good citizens of this State.

I have the honor to be, gentlemen, with due consideration, your humble servant,  
ISAAC TICHENOR.<sup>1</sup>

Neither in the Assembly Journal of 1800, the files in the Secretary of State's office, nor any accessible newspaper of the day, can be found the documents referred to above by Gov. Tichenor. It is evident, however, that the previous opinion of the Governor was not changed.

*Memorial of the Cognahwagas in 1812, and action thereon.*

At the October session of the Legislature in 1812 the following memorial was communicated by Lieut. Gov. Brigham, in the absence of Gov. Galusha:

*Most Honorable Brother.*—We, the Chiefs of the Iroquois or Cognahwagah nation, in mutual council, agreed to send the following speech to our great brother, the Governor of the State of Vermont.

*Most Honorable Brother:*—We, the Chiefs of the Iroquois nation, do now, in behalf of the whole nation, speak to you and others who are now sitting with you in the Great Council House.

*Most Excellent Brother, now attend!*—We, the red people, have inhabited and owned this island [America] from the time of immemorial. Our land extended from rising to the setting sun, and from the cold regions of the North to the hot climes of the South. The Great Spirit above made it, and gave it to the Indians for their use. He created various kinds of animals for our food and their skins served us for clothing. He scattered them over this extensive country, and taught us how to kill them. He made the earth to produce Indian corn for bread. He made also the innumerable inhabitants in the great waters to run up and down in our rivers, and taught us how to catch them. The Great Spirit created all these for the use of his red children because he loved them. Great Brother, continue to listen! When your ancestors crossed the great lake [the Atlantic ocean] and landed on this Western island, they were poor and few in number. Our fathers had compassion on them, and protected them. They told our fathers they had fled from their own country for fear of wicked men, and had come here to enjoy their religion. They asked for a small tract of land. We, the red people, gave them a seat, and they sat down among us. We instructed the manner of planting and dressing the Indian corn. We carried them

<sup>1</sup> Printed *Journal of the House of Rep. of Vermont*, 1854, p. 622.

upon our backs through rivers and waters, and when any of them or their children were lost in the woods, and in danger of perishing with hunger or cold, we carried them to our wigwams, fed them, and restored them to their parents and friends. We gave them corn and meat when pinched with famine. We relieved their distresses, and prevented their perishing in a strange land.

Thus you see, Brother, when your ancestors came into our country, you did not find us enemies—but friends. Great Brother, you have now become a great people, but we are decreased and now smaller in comparison to what we once were. Your territory has become to be very large now, and we poor Indians have scarcely a place left to spread our blankets. You have got our country, and now what shall we say? We say, brother, in truth we are distressed on account of it. You have settled where we formerly caught moose, deer and bears—and now we know not hardly where to go to find them.

Most excellent Brother, we would now once more request you to continue to listen. We would now remind you that in the year 1798 we met you at your council fire, and we then requested you that you would give us something in compensation annually, for our land, which you have taken possession of. But our Brother, who was then Governor in Vermont, said that in justice and equity the lands we claimed did not belong to us. He required us to exhibit documents as proofs that the land which was then claimed did belong to us—and this he well knew we could not do—as you well know, Brother, we are destitute of writings, records, and history. With us, to preserve the memory of our public affairs and transactions, we depend upon our most aged men to keep them in their head and mind. He also required us to furnish the necessary documents authorizing the State of Vermont to trade with us. This he also well knew, we were totally ignorant where to go to find the necessary documents for the State of Vermont to treat with us.

We would now speak a few words to the honorable Representatives of the people of Vermont.

*Brethren and friends :* The land we now claim never was purchased of us either by the French or English, and we never sold it nor was it ever conquered by our Indian brethren, but it has always been in our hands, and when you made settlements upon it, we considered then it belonged to us. And now "In justice and equity it does not belong to us!" Yes, brethren, we believe it belongs to us, and we shall claim it as long as the sun rolls from the East to the West. In the year 1683 our ancestors had a considerable dispute as to the boundary line of the land, which we now claim, with the eastern Indians. A French Jesuit, who was well acquainted of our claim, wrote the following paragraph to Governor Dongan, of New York: "The Iroquois, of the Sault St. Louis or Cognawagahah, have always claimed the country lying in the east side of Lac de Champlain." The boundary is as follows, viz: beginning at the head of Lac de Champlain [Lake George] running thence east up to the heights of the great mountain, thence north to the Fort Chamblee." Thus you see, brethren, the Jesuit makes it appear that our ancestors have always claimed the land where you now live, and much larger than we do now. We claim as follows: "Beginning on the east side of Ticonderoga, from thence to the great falls on Otter Creek [Sutherland's Falls,] and continues the same course to the height of land that divides the streams between Lake Champlain and Connecticut river, from thence along the heights of land opposite Missisquoi, and down to the Bay:" that is the land which we claim.

Now, brethren and friends, we do not ask you, that you must give us so much. No, far from that, for we know that you and the brethren in

Vermont are generous and kind. We also know that you will do justice to a nation who has been, and is now, much abused and despised—a nation, who have been cheated and driven from their ancient settlements. We do hope and pray to the Great Spirit, that the great governor, the honorable representatives and the good people in Vermont will have compassion on their red brethren and give them something annually in compensation for their land.

*Most Excellent Governor and respected Gentlemen, Representatives of Vermont :* We, the chiefs of Cognawagah, have now spoken to your ears of our mind—we hope you will take into consideration what we have said. We wish to live in peace with you, and we hope you will ever consider us your brothers—we hope we shall always live on friendly terms. This is all your red brethren have to say.

The foregoing was referred to a committee consisting of Henry Olin, Geo. Robinson, Titus Hutchinson, and Edmund Graves of the House, and Lieut. Gov. Brigham of the Council, who made the following report :

*To the Honorable General Assembly, now sitting :* Your committee, to whom was referred the talk of the chiefs and councillors, Cognawagah Indians, report : That in our opinion it is expedient that a bill pass, appropriating one hundred dollars to be given as a present to the said nation of Indians, and a further sum, not exceeding one hundred dollars, to defray the expenses of said chiefs while in this state on their present embassy. And further recommend, that the governor have a talk with said chiefs and inform them that we cannot accede to their claim for lands, nor stipulate any annual payment of money ; but that we are grateful for their expressions of friendship to us, and feel a corresponding friendship for them, and hope that the same will not be interrupted by the wars with which they are surrounded. All which is respectfully submitted by  
PAUL BRIGHAM, for Committee.<sup>1</sup>

*It is hereby enacted by the General Assembly of the State of Vermont,* That there be and hereby is appropriated, the sum of one hundred dollars to be paid out of the treasury as a present, to the Indian chiefs now on a visit to the capital ; and a further sum not exceeding one hundred dollars to defray their expenses while in this state on their present embassy. Approved [concurred] Oct. 27, 1812.<sup>2</sup>

IN COUNCIL, Oct. 30, 1812.

Appeared in Council Chamber General Solomon Talborn & Col. Lewis Vaudreil, Chiefs of the Iroquois or Cognowaga nation of Indians, accompanied by Mr. Williams their interpreter, when his Hon. the L<sup>d</sup> Governor addressed them in a talk & made the presents provided for by law, when they withdrew.<sup>3</sup>

*Talk of Lieut. Gov. Brigham.*

*Brothers, Chiefs and Councillors of the Iroquois or Cognawagah Nation :*—I have heard your talk and have told it to the great council of this State. We have all considered it ; we now answer. Brothers, we are very glad of your friendship—we love peace. The Great Spirit did not make us to kill one another, but to live in peace, to enjoy his rich bounties, and prepare for happiness. You live among a people at war

<sup>1</sup> Printed *Assembly Journal* of 1812, pp. 115, 116, 138.

<sup>2</sup> *Journal of the House of Reps. of Vermont*, 1854, pp. 624–628.

<sup>3</sup> *Governor and Council*, Vol. v, p. 376.

with us—they have injured us, and our great nation has waged war with them for it. It is for your interest and ours, it is for your happiness and ours, that we should be at peace.

*Brothers* : it has been the policy of our great father and his council to help our red brethren of the west to such things as they could not provide for themselves, and to cultivate peace and friendship with them ; but our enemy has told them wicked and strong stories—so that our chain of friendship has become dull and broken, and war with all its horrors has taken the place of peace. Brothers, we love justice,—it is an attribute of the Great Spirit. You love it as well as we. We don't think we have injured you. We don't complain that you have injured us. We have bought our lands a great while ago. We have paid a great deal of money for them. You love justice,—you don't want we should pay for our lands again. We can't get back the money we have paid for them.

*Brothers* : let us forget the past,—let us enjoy the future,—let us live in peace.

We have much confidence in your wishes for our good, and we are anxious for your good ; we shall not fail to recommend you to our councils in future. Brothers, you say "we have become a great people." True. The Great Spirit has blessed and increased us. He loves us and makes us love peace. He makes us willing to fight where we can't have peace. We are a great nation. We, the Vermonters, are only a little part of that great nation. We are cemented to the whole by our great charter. If we break that charter we forfeit its protection. In that charter are these words : "No State shall, without the consent of Congress, enter into any agreement or compact with a foreign power." So you see, brothers, we can't agree to pay you money annually without an act of Congress. You see we are *just*—not to break our great charter which binds us to our nation, our great charter which binds our nation to protect us. You love justice. You approve it in us. We hail you as friends. We hail you as brothers. We tender you our friendship ; we solicit yours. We pray the Great Spirit to make them both perpetual. Thus you have the end of our talk. Receive, brothers, this small testimonial of our friendship and sincerity.<sup>1</sup>

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*Memorial of 1826, and action thereon.*

Oct. 21, 1826, Gov. Butler communicated to the General Assembly the following memorial, which was referred to a committee consisting of Gen. Jonas Clark, Daniel Peaslee, James Whitcomb, and Jotham Carpenter, to which committee Councillor Langdon was joined :<sup>2</sup>

*To the Honorable, the House of Assembly of Vermont, one of the United States of America* :—The humble Memorial of the Iroquois tribe, residing in Cognawagah village, commonly called Sault St. Louis, situated in the district of Montreal, in the province of Lower Canada, in the said North America.

The undersigned, head chiefs of the above tribe, in the collective names of its members, have the honor to represent to you with the most humble submission, that they make a part of the descents of the

<sup>1</sup> Printed *Journal of the House of Reps. of Vermont*, 1854, pp. 628-630.

<sup>2</sup> Printed *Assembly Journal of 1826*, pp. 46 and 55.

aborigines, inhabitants of North America. That their ancestors and themselves, as their descents, have from time immemorial enjoyed and possessed peaceably and without any interruption, until the rupture between the North American colonies and Great Britain, a certain tract of land situate, lying and being on the east side of Lake Champlain consisting in the following extent, viz. Beginning at the line of division between the State of Vermont and the province of Lower Canada, thence running south alongside east shore of said lake, and up to the Otter river inclusively, thence from the mouth of said river, following its course to its sources, thence about a northwest course following the summit of a chain of mountains until it will intersect the line of division between the State of Vermont and the province of Lower Canada.<sup>1</sup>

That under the French and British Governments, and during their respective possessions of the above tract of land, they (your memorialists) never were troubled or molested in any manner whatsoever; on the contrary it was known and acknowledged by those governments to be your memorialists' property. They were protected and supported in the full and peaceable enjoyment and possession of it—where they used to fish and hunt exclusively to any other persons—for the use and maintenance of themselves and families. But now they see with sorrow, that since many years they have been dispossessed of their fathers' inheritance, by force, and deprived of enjoying it as they did from immemorial time—being at present in the possession and occupied by persons, who pretend to be the real proprietors of it in virtue of legal titles from the State of Vermont.

It is notorious that this tribe never have relinquished or given any titles, or ever received any compensation or recompence for their rights to the said land, or for any part thereof: So that your memorialists are dispossessed of their property without their consent, without any indemnification whatsoever, and deprived of the only means they had to support and maintain their families, and find themselves confined to such a narrow state of limits that they are most reduced to want.

Your memorialists beg leave to inform you that seven years ago they did present similar remonstrances to the house of assembly of the State of Vermont, and having not received an answer to it, they take the liberty to renew their reclamations.

Being well convinced by experience of the justice and equity shown by the different branches of the United States' government in their proceedings, your memorialists apply with the most respectful confidence to your honorable body, praying that you would be pleased to take into consideration their claims and unhappy situation, and order that they shall be reinstated into the full and quiet enjoyment of their just rights, as fully and amply as their forefathers and themselves did heretofore enjoy it, or otherwise determine what you, in your wisdom, may judge just and equitable in such case, for the satisfaction and happiness of your petitioners. And they will ever pray as in duty bound.

[Signed by fourteen Chiefs of the Iroquois.]<sup>2</sup>

On this memorial the committee to which it was referred made the following report:

<sup>1</sup> On comparing, map in hand, these boundaries with those given in 1798, and repeatedly, it will be seen that there is a material difference between them.

<sup>2</sup> Printed *Journal of the House of Rep. of Vermont*, 1854, pp. 630-632.

*To the Hon. General Assembly now sitting:*—The committee to whom was referred the memorial of the Iroquois tribe of Indians report, That in October, 1798, the same tribe of Indians presented a similar petition or memorial to the legislature of this state, and a respectable committee appointed made a report thereon and accepted, which report recommended that the governor make diligent inquiry into the foundation and evidence of their claim, and communicate the same to the then next session; and one hundred dollars was given to them to defray their expenses, coming to and returning from the legislature.

In pursuance of this request, the governor of the state inquired into the foundation of their claim, and communicated the result of his examination to the legislature of this state, at their October session, in the year of our Lord 1799—that he could not find any evidence of their title or claim—and that if any claim ever existed, it has been long since extinguished by conquest, in the war between the English and French, when the United States were colonies of Great Britain, and their tribe of Indians attached to the crown of France, and the territory included in said memorial was included in the treaty of peace made and concluded in 1763.

They further find that this tribe of Indians, then or before, moved within the new limits of Canada, and have resided there ever since, and have owed allegiance to, and been under the protection of the king of Great Britain—That by that treaty of peace, [1763,] the whole title, if any ever existed, was completely extinguished.

And your committee are of opinion, that if any doubt existed respecting the said claim, after the treaty of 1763, that doubt has been removed, and every claim completely extinguished by the treaty of peace between the United States and his Britannic majesty in 1783, and all right and claim transferred to the United States.

Your committee further find, that a representation of the same tribe of Indians again presented their claim to the legislature of this state, at their October session, in 1800,—and after repeated interviews between them and the governor of this state, representing and explaining to them in a clear and decisive manner, that if their ancestors ever had any claim to the lands in question, it had been long since extinguished. And in consequence of their personal attendance, the legislature presented to them the sum of fifty dollars, to defray their expenses, without recognizing any right or claim, in law or equity.

Your committee further report, that the chiefs of the same tribe again presented their petition at the session of the legislature in October 1812, and the legislature gratuitously granted them two hundred dollars, to conciliate their feelings, without recognizing any right or claim whatever.

*Whereupon*, your committee recommend to the legislature the consideration and adoption of the following resolution, to wit :

*Resolved*, the governor and council concurring herein, that the governor of this state be requested to notify the petitioners, that the state of Vermont have often fully examined the merits of their claim to lands within this state, set forth in their petition—and have now re-examined the same, and are of opinion that if any claim ever existed, in their ancestors, it was done away and extinguished by the treaty of peace, in the year of our Lord 1763, between the king of Great Britain and the king of France—and also, by the treaty of peace in 1783, between the United States and the king of Great Britain; and that the petitioners, at this time, have no claim or interest, either in law or equity, to any of the lands described in their petition. Which is respectfully submitted.

C. LANGDON for Committee.



Which report was read and concurred in—and the said resolution was adopted.<sup>1</sup>

*Renewal of the claim in 1853 and report thereon.*

The following report sufficiently sets forth the claim in 1853 and the action thereon. It will be seen that the boundaries of the territory claimed are those stated in 1798, and different from the description in 1826.

*To His Excellency Stephen Royce:*—On the 14th of June last, I was appointed by the Governor to discharge the duties imposed by the resolution of the last Legislature: "That His Excellency the Governor be requested to take such measures to ascertain the claims of the Iroquois Indians to compensation for lands in this state, as he shall see fit in his discretion, and cause the result of such examination to be laid before the General Assembly of this State, at the next session." And I now submit to you "the result of such examination" as I have been able to make.

The Iroquois, who represent the ancient confederacy of "the Six Nations," assert a claim to compensation for lands in this State, within these bounds: "beginning on the east side of Ticonderoga, from thence to the Great Falls, on Otter Creek, and continuing the same course to the height of land that divides the streams between Lake Champlain and Connecticut river, thence along the height of land opposite to Missisquoi, and thence to the Bay."

There seems no reason to doubt that the Iroquois had possession of these lands and exercised dominion over the same, until dispossessed by the encroachments of civilization; and had what has been treated by the United States government, in other cases, *title* to these lands; and have never parted with that title by any treaty or compact, to which they, as a tribe or nation, have been a party.

The Chiefs representing the "Six Nations," A. D. 1798, appeared before the Legislature of this State, then sitting at Vergennes, and preferred their claim to compensation for lands situate within this State, defining the boundaries as they now do. The matter was brought to the attention of the Legislature by a communication from Governor Tichenor, and the Legislature made a small appropriation for their expenses while attending upon the Legislature, and one hundred dollars as a gratuity and token of friendship, and the Governor was empowered to examine their claim, whether the same were founded in justice and equity.

Governor Tichenor made a report against the claim to the next Legislature, A. D. 1799; and the claim was again presented in A. D. 1800, 1812, and 1826, and has been at all times rejected.

It seems not to have been denied, but substantially conceded, that the claimants, prior to the treaty between Great Britain and France, A. D. 1763, had possession of the lands described as their "hunting ground," and such title as Great Britain and the United States have uniformly treated with respect in their intercourse with the Indian tribes.

It will be seen, by the accompanying papers, that the authorities of this State have, at different times, insisted, that they could not treat with

<sup>1</sup> Printed *Assembly Journal* of 1826, pp. 140-141; and for the resolution adopted by both Houses see *Laws of Vermont*, 1826, p. 30.

the Iroquois without the consent of Congress; that it would be deemed an agreement or compact with a foreign power,—and thus within the prohibition of the tenth section of the first article of the Constitution. At other times it has been claimed that any agreement touching this claim would be in violation of the act of Congress entitled “an act regulating trade and intercourse with Indian tribes,” passed July 22, A. D. 1790—which declares: “That no sale of lands made by any Indians, or any nation or tribe of Indians, within the United States, shall be valid to any person or persons; or to any State, whether having the right of preemption to such lands or not, unless the same shall be made and duly executed at some public treaty held under the authority of the United States.”

If this were a proposition strictly to *purchase lands* of a tribe of Indians residing within the jurisdiction of a foreign power, by which the Indian yielded his title and possession upon receiving the stipulated consideration, or the assurance therefor, it would obviously be in conflict with the law of Congress, and doubtless obnoxious to that provision of the Constitution. But inasmuch as the jurisdiction of the State over the territory is not disputed, and the lands have been in the peaceable possession of the citizens of this State for more than half a century, with undoubted title to the same, it is submitted that the State might act in the premises, and, if the Legislature should deem that the Iroquois were entitled, “*in the forum of conscience*,” to some *remuneration* for lands long since *granted* and appropriated by the State, and should make appropriation for such remuneration, that such proceedings would neither conflict with the provisions of the act of Congress nor the Constitution. If, however, there were scruples on this point, it would seem obvious that, if it were conceded that there was a *duty* upon the State to pay for these lands, it would be no less a duty upon the State to provide the legitimate channel, through which such compensation could reach the recipients.

The main objection, however, to the allowance of this claim has heretofore been, that the lands were granted by the King of Great Britain without reservation of Indian titles.—and that the Iroquois were then subjects of the King,<sup>1</sup> and that, by the treaty of 1783, by which jurisdiction to this territory was ceded to the United States, the Indian title became extinguished.

It has also been claimed that the Iroquois were allies of the King of France, in the war between Great Britain and France, which resulted in the conquest of Canada by the former power, and hence, by the treaty of 1763, this claim was extinguished.

The Six Nations, during the “*French War*” and also the war of the Revolution, seem, in the main, to have been attached to the crown of England; although great efforts were made by the French to obtain their alliance during the former war, which at some times and to some extent

<sup>1</sup> The Iroquois in New York were allies of the King of England until the treaty of 1783; while the Cognawaga Iroquois admit that they were allies of the King of France until 1763, and have been allies of the Crown of England ever since that date. The fact may as well be stated here as anywhere, that seventeen of the Vermont towns, covered by the Cognawaga claim, were granted by the King of England, previous to the surrender of the French possessions to England, Feb. 10, 1763, and while the Cognawagas were allies of France and engaged in fighting the English.

was successful.<sup>1</sup> Yet it is not obvious upon what principle, if it be conceded that the Iroquois were allies of France, the cession of Canada to the crown of England should extinguish the Indian title to lands situate within the British colonies. It is quite certain that the King of England did not so regard it; for there is abundant documentary and incontestable evidence, that from A. D. 1763 until A. D. 1783, the British Sovereign, by his agents, did negotiate with the Chiefs of the Six Nations, and did hold councils with them respecting their land, and, at all times, they were treated as having the undisputed title.

It has also been insisted that the Iroquois lost their title by the treaty between the United States and Great Britain, A. D. 1783,—and this, upon the ground that the Iroquois were not only allies but *subjects* of the Crown of England—and hence that treaty, ratified by the Sovereign, was binding upon all the subjects of the Crown and upon the Iroquois. Yet there seems to be no warrant for asserting that the British Crown did ever assume to convey the Indians' land, or extinguish their title, either by treaty or by grant, without their consent, or that they were regarded as the *subjects* of the Crown. They were the friends of the Sovereign in peace—his allies in war—and as the Crown did treat with them, as an independent power, before the treaty of 1783, so have the United States since that time.

On the 31st day of May, A. D. 1796, the authorities of New York, through the intervention of Abraham Ogden, a Commissioner appointed by the authority of the United States, concluded a treaty with the Iroquois, then denominating themselves "the Seven Nations," which was duly ratified, and proclamation thereof made on the 31st day of January A. D. 1797. By this treaty, the "Seven Nations" ceded to the people of the State of New York all title to their adjacent lands situate within the limits and jurisdiction of the State of New York,—and in consideration therefor, said State paid the sum of one thousand four hundred and forty-seven pounds, one shilling, four pence; and made the further stipulation to pay them annually, thereafter, two hundred and twelve pounds, six shillings, eight pence.

It is said by Governor Tichenor, in his report to the Legislature, that in the grants, by the Crown of England, of lands in New York, there was a reservation of the Indian titles, while in the grants of *these* lands there was no such reservation, and hence a distinction might well be taken. But it is submitted that the Crown, previous to the Revolution, and the United States since, have never assumed to convey the unincumbered *fee* of the land while in the occupancy of the Indian tribes; but the grantee took the *fee*, encumbered with the right of Indian occupancy, and the sole right to extinguish the Indian title.

The Supreme Court of the United States say, in the case of *Clark vs. Smith*, 13 Peters' Reports, 195: "The ultimate *fee*, encumbered with the right of Indian occupancy, was in the Crown previous to the Revolution, and in the States of the Union afterwards, and subject to grant. The right of occupancy was protected by the political powers, and respected by the Courts, until extinguished, when the patentee took the unencumbered *fee*. So the Supreme Court, and the State Courts, have uniformly held."

In the case *United States vs. Clark*, 9 Peters' Reports, the same Court say: "One uniform rule seems to have prevailed in the British provinces in America, by which Indian lands were held and sold from the "first settlement, as appears by their laws; that friendly Indians were "protected in the possession of lands they occupied, and were consid-

<sup>1</sup> These efforts were successful with the ancestors of these claimants.

"ered as owning them, by a perpetual right of possession in the tribe or nation inhabiting them as their common property, from generation to generation, not as the right of individuals located on particular spots. Subject to this right of possession, the ultimate fee was in the Crown and its grantees."

"Indian possession was considered in reference to their habits and modes of life; their hunting grounds were as much in their actual possession as the cultivated fields of the whites, and their right to its exclusive enjoyment, in their own way, and for their own purposes, were [was] as much respected until they abandoned them, made a cession to the government, or an authorized sale to individuals."

The rule seems to have been uniform that discovery vested in the Sovereign the absolute title to lands as against other powers, but subject to the Indian right of occupancy; and the several Sovereigns of Europe and the United States have ever assumed to grant only what they had obtained. And hence it would seem that Great Britain, by the treaty of 1783, yielded to the United States her claim to *sovereignty* over these lands, and remitted to the latter the same rights that she had claimed to herself. And so far as the Crown had granted these lands prior to the Revolution, the grantee obtained the title, subject to the Indian right of occupancy, and the sole right to extinguish that claim.

If the Iroquois have been divested of their title, it would seem more legitimate to say that they had been divested, and the title obtained, *by conquest*.

That that ancient and powerful confederacy, which claims to have given the model to our own, have retired before the advancing empire of another great confederacy, and surrendered their lands and *themselves* to its dominion, is confessedly true. Their very weakness, however, is sufficient guaranty that they will be heard. That they will be heard by the representatives of a people whose attribute is justice, is the warrant that their cause will be decided justly.

The early settlers of this State won laurels on the field of Bennington, which have now become the common property of the Union, and there made expenditures which should have long since been replaced from the national treasury; yet the State can forego her claim if she elects to do so. But when a claim is made to *her* sense of justice, by a people having no power to enforce it, and which rests solely in her will and discretion, I doubt not it will be met in the spirit of magnanimity and kindness.

I have gathered such facts as could be readily obtained, and submitted such reflections as have occurred to me, and it remains for your Excellency to act in the premises as to you shall seem meet. All which is very respectfully submitted.

TIMOTHY P. REDFIELD.<sup>1</sup>

The foregoing report, with the appendix, was referred to a committee who reported resolutions directing the Governor to appoint a Commissioner to ascertain the amount and extent of the claim; and also empowering the Treasurer to pay the Indians in attendance fifty dollars for their expenses.<sup>2</sup>

<sup>1</sup> Sundry documents contained in an appendix have been given in preceding pages.

<sup>2</sup> Printed *Journal of the House of Reps. of Vermont* for 1854, pp. 441, and 605-634.

*Renewal of the Claim in 1854, and Report thereon.*

In pursuance of a joint resolution in 1854, the Governor appointed Hon. James M. Hotchkiss a Commissioner, who submitted the following report in 1855 :

*To the General Assembly of the State of Vermont, now in session :—*On the 22d day of January last [1855] I was appointed by His Excellency, Governor Royce, a Commissioner, to discharge the duties indicated by a resolution adopted at the last Legislature of Vermont: "That the Governor be directed to appoint a Commissioner to ascertain the amount and extent of the claim of the Iroquois Indians upon this State for compensation for land formerly owned by them in this State, and that said Commissioner be fully empowered to negotiate said claim, and ascertain what sum, to be paid by this State, will satisfy the same, and report the result of his investigation and negotiation to the next General Assembly of this State." And I now submit to the Legislature the result of my investigations and negotiations, with said Iroquois Indians, together with such facts as I have been able to gather, from the early history of this people.

In the year 1609, a Frenchman by the name of Champlain, in company with several other Frenchmen, and about one hundred of the Canadian Indians, started from Quebec, upon an expedition against their enemies, the Iroquois Indians. Champlain's object was to explore the country, and to assist the Canada Indians in their wars against the Iroquois Indians. After leaving the River St. Lawrence they struck another river, which the Indians called Iroquois, and soon reached a lake by the same name, to which Champlain gave his own name. As they proceeded up the lake, they soon came in sight of the Green Mountains, upon the East side of the lake, and upon enquiry of the Indians, Champlain was told that this was the country of the Iroquois, but that their enemies lived still farther to the South, upon the west side of the Lake, where the country was thickly settled with the Iroquois.<sup>1</sup>

It was subsequently ascertained that the Iroquois were a very powerful confederacy, consisting of the Mohawks, Onondagas, Oneidas, Cayugas, and Senecas; each having their own territory, but had united together for the common defence of their own country, and also for prosecuting their wars against their enemies, and extending their own dominions. The Mohawks resided in the Valley of the Mohawk River,—and it was subsequently admitted by the people of New York, and by historians, that their territory did extend into the present limits of Vermont, at a very early day.

Immediately after the settlement of the Province of Lower Canada was commenced by the French, their Jesuit Missionaries went in every direction, among the natives of the forest, with a two-fold purpose. One was to bring them over to the interests of the French, and the other to induce them to embrace the Roman Catholic faith.

In this project they were very successful, and as early as 1670 to 1676, they induced a large portion of the Mohawk nation or tribe, to emigrate to the province of Lower Canada near Montreal, where they built a church, and soon after swore allegiance to the French Government.

<sup>1</sup> The Iroquois name, Oneida dialect, for Lake Champlain was *O-ne-a-da-lote*.—See *League of the Iroquois*, p. 474. Still another Indian name was *Caniad eri-Guarunte*, signifying *The Mouth or Door of the Country*, and by the Dutch it was named *Corlear*.—See *A Survey of Lake Champlain*, made in 1762 by order of Maj. General Amherst, map 13 in the *American Atlas* of 1776, by Jeffreys.

The other portion of the Mohawks remained upon their own territory, and were the firm friends of the English during the French and English war, and so continued until the Revolution, when they still adhered to the interests of the English, and emigrated to the Province of Upper Canada, under the influence of the Johnson family.

From a subsequent negotiation and settlement of their respective claims by the State of New York, it is evident that those who emigrated to the province of Lower Canada, commonly known as the Caughnawagas, are the rightful claimants upon Vermont for compensation for their lands.

From the Caughnawagas, there was an emigration, in the year 1759, to a place called St. Regis, and in 1780, another portion emigrated to a place called the Lake of Two Mountains, both of which tribes I have allowed to participate in common with the Caughnawagas, in the investigation of this claim.

In relation to the Iroquois having parted with the title to their lands in Vermont, there seems to be but very little evidence upon the subject. It was claimed by the people of New York, at a very early day, that the Dutch had purchased this territory, extending to the Connecticut river, of the Indians, and that New York had taken it, by conquest, from the Dutch; and New York, then a British Colony, claimed the territory under a grant of Charles Second to the Duke of York. The British government also claim that large grants of land were made on both sides of the Lake, at an early day, by the consent of, and agreement with, the Iroquois Indians. But I find no written documents to substantiate these claims. Still, it may be some evidence of these claims of New York, that the Iroquois, who claim this territory, left it at so early a period, and set up no claim for about a century and a quarter, to their lands, or for compensation.<sup>1</sup>

Since the Iroquois emigrated to the Province of Lower Canada, there seems to be no evidence that they have occupied this territory, more than other tribes of Indians, but upon this point there is but very little history.

The habits and customs of the Indian tribes of the country, at an early day, were such, that the occupation of any territory for the purposes of hunting and fishing rendered the possession of that territory as really theirs, as though they had cultivated fields, built houses, &c. Hence, when we look at their former mode and habit of living, their ability to understand legal questions, as practiced by enlightened nations, and the legal bearing of their own actions, they are all to be construed in their favor. If they have parted with the title to their lands, it has usually been for a mere pittance, or at best, for a very small compensation. I therefore recommend the claim of this unfortunate people to the favorable consideration of the Legislature.

By a previous arrangement, I met the agents and deputies of the several Tribes interested in this claim, at the United States Hotel, in the town of Massena, N. Y.<sup>2</sup> on the 14th day of last June, and the following is the result of our investigations and negotiations.

All of which is very respectfully submitted.

JAMES M. HOTCHKISS.

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<sup>1</sup> This claim was not made by the Iroquois of New York, but by the Cognawagas, who had abandoned all their rights with the Iroquois of New York and joined their enemies, the French.

<sup>2</sup> In the neighborhood of St. Regis.

MASSENA, STATE OF NEW YORK, June 14, 1855.

Present, J. M. Hotchkiss, Commissioner on the part of Vermont, and Joseph Kanataktah and Francis Athorishan, from Caughnawaga, Rev. Eleazer Williams,<sup>1</sup> St. Regis.

*Gentlemen of the Iroquois* :—The General Assembly of the State of Vermont, on the 14th day of November, 1854, adopted the following resolution :

“ *Resolved*, That the Governor be directed to appoint a Commissioner “to ascertain the amount and extent of the claim of the Iroquois Indians “upon this State for compensation for land formerly owned by them in “this State, and that said Commissioner be fully empowered to negotiate “said claim, and ascertain what sum, to be paid by this State, will “satisfy the same, and report the result of his investigations and negotiations to the next General Assembly of this state.”

On the 22d day of January, 1855, I received from his Excellency, Stephen Royce, the appointment of Commissioner to discharge the duties indicated by said Resolution.

Having caused the parties interested in this claim to be duly notified of the time and place of holding this meeting, I am now ready to proceed with the investigation.

Before proceeding with the investigation, allow me to inquire if the

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<sup>1</sup> Eleazer Williams, who acted as interpreter for the Cognawagas on a previous occasion, is supposed to have been a grandson of Eunice, a daughter of Rev. John Williams, who with his family was captured by the Indians in the massacre at Deerfield, Mass., Feb. 29, 1704 (old style,) and taken to Montreal. Mr. Williams with his five children was released by the French in 1706, but Eunice chose to remain in Canada, and afterwards married an Indian. Eleazer Williams was educated at Longmeadow, Mass. In the war of 1812 he became a confidential agent of the U. S. Government among the Indians, served with bravery in several engagements, and was severely wounded in the battle of Plattsburgh. In 1826 he was ordained by the Protestant Episcopal Church as a missionary, and served many years in northern New York and Wisconsin Territory. He was author of an “Iroquois Spelling-Book” in 1813, “Caution against the Common Enemy” in 1815, “Book of Common Prayer” translated into Mohawk in 1853, and “Life of Thomas Williams,” a chief of the Cognawagas, in 1859. He died at Hogsburgh, N. Y., Aug. 28, 1858, aged about 73. —Drake's *Dictionary of American Biography*. He has had considerable notoriety on account of attempts to show that he was the lost prince of the royal Bourbon family in France, but his proclivity for the Americans and Protestantism indicate an altogether different origin. Born, doubtless, of a mother of American descent and of a father residing on the immediate border if not within New York, his identification with citizens of the United States is in no degree remarkable. It is probable that some of the Cognawagas were induced by him to join the forces of the United States in the war of 1812. If so, they or their descendants have a good claim upon the favorable consideration of the Government of the United States, if that claim has not already been discharged.

Iroquois Indians, designated by the foregoing Resolution, are all represented at this meeting.

Answer by Rev. Eleazar Williams.—There is a branch of the Iroquois at the Lake of Two Mountains, numbering about 258 souls, which are not represented at this meeting. The notice of this meeting failed to reach them in season for them to attend. The American branch at St. Regis are not represented here, but have received due notice of this meeting.

The Commissioner, considering it of the utmost importance that all the tribes interested in the claim against the State of Vermont should be notified of this meeting, here suspended the investigation and adjourned to Wednesday the 20th inst., and caused a dispatch to be sent to the Chiefs of the Lake of the Two Mountains, notifying them to attend this meeting, if they have any claim to prefer against the State of Vermont.

MASSENA, June 20, 1855.

Present, James M. Hotchkiss, Commissioner on the part of Vermont, and Francis Athorishan and Joseph Kanataktah, who presented to the Commissioner the following instrument:

CAUGHNAWAGA, June 12, 1855.

This is to certify, that, this day, we the undersigned, Grand Chiefs, appoint and authorize as our Agents and Representatives, in all matters concerning the claims of the Iroquois Tribe of Caughnawaga, which lieth in the State of Vermont. Whatever shall be done by these two persons whom we duly authorize are to know and acknowledge as such, we shall bind, as though we were together. The two appointed are *Francis Athorishan* and *Joseph Kanataktah*. We name also the Interpreter, who has been since the year 1852, seventh of November, who has interpreted upon the communications of the claim, is Rev. Eleazar Williams our Interpreter.

[Signed,]

GRAND CHIEFS:  
JOSEPH KENTORONTIE,  
LOUIS TIORAKARON,  
JOSEPH TAIRONIOTE,  
THOMAS ASENASE,  
MARTIN SHAKORAIATAKWHA,  
LOUIS SKATEKAIENTON.

Present on the part of the Iroquois at St. Regis, representing the British party, Rev. Eleazar Williams, who presented to the Commissioner the following Instrument:

Know all men by these presents, that we, Swasen Teiosharakwente, Tio Kanewatron, Rawi Tarakonnente, Rawi Atawenta, Thomas Tahate, Chiefs and principal men of the St. Regis Indians, do hereby irrevocably make, constitute and appoint Eleazar Williams of Hogsburgh, of the State of New York, our true and lawful attorney, with power of substitution, for us and in our names, places and stead, to contract, treat, negotiate and bind said Tribe of Indians, and to release all debts, claims and dues of said Tribe, and to *transact all business* of all kinds, pertaining to their interest, and he is fully authorized to receive from the State of Vermont any pay or compensations for lands within the limits of said State, and to discharge all liabilities, claims or dues for such lands, from the State of Vermont, and in all things fully release all such claims and forever bind the St. Regis Indians and several members of said tribes respectively. And we do hereby and herewith empower our said attorney, in our names, to give receipts and other sufficient discharges for such moneys due or claimed to be due as aforesaid, or



sum as the State of Vermont may grant, hereby ratifying and confirming whatever our said attorney shall do in and about the premises by virtue hereof. In testimony whereof, we have hereunto set our hands and seals in the name and behalf of the St. Regis Indians, this third day of February, Anno Domini 1855: Signed and sealed in presence of A. Fulton.

|                        |       |
|------------------------|-------|
| SWASEN TEISHORAKWENTE, | L. S. |
| TIER X KANEWATERON,    | L. S. |
| KAWI X TARAKONNENTE,   | L. S. |
| KAWI X ATAWENTA,       | L. S. |
| THOMAS TAHATE,         | L. S. |

STATE OF NEW YORK, } On the third of February, in the year 1855,  
Franklin County, ss. } personally appeared before me the individuals described in, and who executed the above power of attorney, and severally acknowledged that they executed the same for the purposes therein mentioned.

ALFRED FULTON, *Justice of the Peace.*

Present on the part of the Iroquois at Lake of the [two] Mountains, Joseph Ononkwatkona and Francois Sasametest, Chiefs of said Tribe.

Present on the part of the American party at St. Regis, Louis Taioronote, Michael Gavenety, Peter Skatekaienton, denominating themselves trustees of said Tribe.

*Gentlemen of the Iroquois* :—The meeting for investigating and negotiating your claim against the State of Vermont is now open. By the resolution which I have read in your hearing, adopted at the last General Assembly of the State of Vermont, the Legislature virtually admit that there may be some ground for the claim of the Iroquois Indians against the State. It became the duty of the Commissioner to ascertain who the Iroquois Indians designated in the resolution, were ; and after a thorough investigation of the subject, the Commissioner came to the conclusion that the tribes at Caughnawaga, the tribes at St. Regis, and the tribe of Iroquois at the Lake of Two Mountains are the proper and only tribes for the Commissioner to meet and negotiate with. We are now prepared to proceed with the investigation. As the representative of the people of the State of Vermont, I shall endeavor to conduct the negotiations in behalf of the State in a fair and honorable manner.

You will observe by the resolution under which we are now acting, that a report of the investigations or negotiations of this meeting, or any subsequent meeting, is to be submitted to the next General Assembly of the State of Vermont, for their approval or disapproval, as they in their judgment shall think just and right.

Objection was made by the agents from the Caughnawaga against admitting the agents from the Lake of Two Mountains to participate in this claim, upon the ground that they are not descendants of the Caughnawaga ; they say that they have no record of their separation. The Chiefs from the Lake of Two Mountains replied, that they separated from the Caughnawagas about the year 1789, and soon after emigrated to the Lake of Two Mountains ; they have always claimed, and still claim, to belong to the Iroquois and relatives of the Caughnawagas and St. Regis tribes. The St. Regis admit that they are of the Iroquois nation and entitled to participate in the claim against Vermont.

The Commissioner overruled the objection of the Caughnawagas, and the Chiefs from the Lake of Two Mountains were allowed to participate in the investigations in common with the other agents.<sup>1</sup>

<sup>1</sup> The Cognawaga Indians of the Lake of the Two Mountains could not have acquired any tribal rights in Vermont, since they date their existence as a distinct tribe "about the year 1789," when Vermont was

*Interrogatory by the Commissioner.*

*Gentlemen* :—What is the amount and extent of your claim upon Vermont for compensation for the lands you originally claimed in said State ?

*Brother* :—We, the agents and deputies on the part of the Grand Chiefs of the Iroquois Indians at Caughnawaga, St. Regis and Lake of Two Mountains, are very happy in meeting you as Commissioner on the part of our brethren of Vermont. It is a long time since our fathers presented to the Grand Council of Vermont their claim to their ancient hunting ground in said State. In behalf of said Iroquois Indians we return your many thanks for the several sums of money paid to our said agents from time to time, for which we most willingly acknowledge.

You now desire to be informed as to the amount and extent of our claim upon the State of Vermont for compensation for the land originally claimed by us in said State. In answer, we refer you to the report of Mr. Redfield, as well as to our frequent memorials to the General Assembly of Vermont, beginning A. D. 1798. We now ask for pay for all lands lying northerly of a straight line from Ticonderoga to the great falls of Otter Creek, (called Sutherland's Falls,) from thence to be continued to the top of the Green Mountains, thence along said mountains which divide the water that runs into Connecticut river and the water that flows into Lake Champlain and Missisquoi river, to the latitude of 45.°

We are of the opinion that there is east of the New York line, within this tract or territory, much more than two millions of acres of land, exclusive of the waters of Lake Champlain, and including the islands not ceded to the State of New York by the Treaty of A. D. 1796. As relates to the value of this, our hunting ground, We, on behalf of the Iroquois Indians of Caughnawaga, St. Regis and Lake of Two Mountains Indians, propose to you, Mr. Commissioner, to relinquish to the State of Vermont our claims to said territory upon the following conditions, viz. We propose to take into consideration at least twenty of the most favorable treaties made between the United States and the different tribes or nations of Indians within the past thirty years, wherein lands by said Indians had been ceded to the United States. As you have so long occupied our ancient hunting ground, and thereby deprived us in a great measure of the means of maintaining our numerous families, you in honest justice ought to pay us an average price equal to the average price per acre of said twenty treaties by us selected, whatever shall prove to be the average sum per acre, by the United States, for cessions of land embraced in said twenty treaties, shall be the sum to be paid to us by the State of Vermont, for our hunting ground.

*Brother*: in your report to our Father Governor Royce, you will request him to consider well this our first proposition for settlement, and that he will present it to the members of your Grand Council when assembled at your Wigwam in October next. We say to you, *Brother*, that we will be present, ready to hold a further conference with you, in hopes that we shall make a final settlement to our mutual satisfaction.

The foregoing is respectfully submitted to the consideration of the Commissioner by his friends and brothers, the deputies.

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almost wholly covered with grants to and actually occupied by the people of Vermont. Nevertheless, as descendants and relatives of the claiming Indians for any rights that existed previous to 1789, they were entitled to a hearing and rightfully admitted by the Commissioner.

MASSENA. June 21, 1855.

*Brothers:*—I have listened attentively to your speech of yesterday, and considered it well. In your speech you propose to relinquish to the State of Vermont all claim to territory you have described as your ancient hunting ground, provided the State of Vermont will take into consideration twenty of the most favorable treaties made between the United States and different tribes of Indians within the last thirty years, wherein lands by said Indians have been ceded to the United States. And further, you ask that the average price of the land per acre, ceded in those treaties, shall be considered the price per acre of your ancient hunting ground in Vermont. Said treaties to be selected by you.

*Brothers:* This appears to me to be a very indefinite way of arriving at any proper conclusion. If your proposition was to be accepted, it might be exceedingly difficult, and be attended with great expense, to ascertain what the price per acre of the lands ceded to the United States would be, as most of the treaties are for the extinguishment of the Indian claims, and no number of acres defined. But your proposition appears to be wholly inadmissible.

In the first place, you will observe that many of the Indian tribes were living upon their lands at the time the treaties were made with them, and had valuable improvements, and their titles to their lands undisputed, and their lands at so late a period had become very valuable. Your title to lands in Vermont is not only doubtful, but it is utterly denied, and it has never been admitted that you have any legal claim; and you only ask for compensation for the lands your ancestors once occupied as their hunting ground. You say in honest justice that the people of Vermont ought to pay you as specified above, from the fact that they have so long lived upon your ancient hunting ground, and thereby deprived you in a great measure of the means of supporting your numerous families.

You will please to observe, that your ancestors left their ancient hunting ground and emigrated to Canada about the year 1676, and placed themselves under the Crown of France, and soon after swore allegiance to his Majesty's government, became the allies of the French and the enemies of the English and American Colonies. Had your fathers chosen to have remained on your hunting grounds in Vermont (if they ever occupied them,) they might have done so until their title should have been extinguished by purchase in a fair and honorable manner; and that sense of justice, which has always been prominent with the people of Vermont, in all their transactions with their neighbors, warrants the belief that they would not have endeavored to obtain it in any other way. But the country was found to be vacant at an early day, and grants of land were made to the people of Vermont; first by the Governor of New Hampshire; then New York claimed the territory of Vermont upon the ground that it was a Dutch province, and that the Dutch had purchased it of the Indians, and New York, then a British province, had taken it by conquest from the Dutch, and by a grant of Charles Second to the Duke of York in the years 1664 and 1674, of the disputed territory. Whether the lands in Vermont were ceded to the Dutch in an early day, as claimed by New York, I have no further means of knowing; but one thing is certain, that the king of Great Britain, when the territory was claimed by New York, made grants of land extending upon the territory which you claim in Vermont, without requiring a previous purchase from you, or any other nation, or tribe of Indians; which is a very strong proof against the existence of any title in you, to the lands your ancestors owned in Vermont.

Many of the early settlers of Vermont, after purchasing their lands

from New Hampshire, repurchased them from New York, and after continuing the controversy with New Hampshire and New York for a quarter of a century or more, it was finally settled by the State of Vermont paying New York the sum of thirty thousand dollars to relinquish her claim to the territory of Vermont. So you see, Brothers, that the people of Vermont have already paid very dear for their lands.

It was not my intention to enter into any very lengthy argument relative to the merits of your claim, only sufficient to show you that it is of a very doubtful character, and will probably be so regarded by the Legislature of Vermont. The Commissioners on the part of New York, with whom you treated in 1796, so regarded it, and only settled and paid you something for the lands you claimed in the State of New York, that they might give contentment, and live in good neighborhood with you. So I apprehend it will be with the Legislature of Vermont. If they are induced to give you anything for the extinguishment of your claim, it will be upon the ground of giving mutual satisfaction; and the amount they may be induced to give will depend very much upon the merits of your claim.

Brothers, I now wait for you to give a definite answer to one part of my inquiry, viz: What is the amount of your claim against the State of Vermont for your ancient hunting grounds? In fixing on a definite sum, you will allow me to suggest, that, the smaller the sum you claim, the greater will be the probability that the Legislature will allow it.

[*Reply of the Indian Deputies.*]

*Brother* :—In an answer to your two first questions, given us in writing Friday last, we had no idea of giving offence. We claim the privilege of answering in our own way; for want of better information, possibly some portions of our answer may be considered surplusage, or in other words, inadmissible. Brother, in answer to yours of this day, we observe that you are not well pleased with ours of yesterday, as regards the price of our hunting grounds in Vermont. As Indians, we did suppose that the people of Vermont would be willing to pay us poor Indians as much per acre as the United States Government pay other Tribes or Nations of Indians for their hunting grounds. Brother, we have well considered your answer to us of yesterday, and have concluded to make the people of Vermont, through you, a further offer, as we are very desirous of being considered just, honest, and generous. We now say further, the people of Vermont may have their choice, either to pay us four cents per acre for our hunting grounds lying easterly of the New York state line, after deducting that portion of the waters of Lake Champlain, or an average of the twenty treaties as communicated in our answer of yesterday; or you may pay us \$89,600, at such time as may hereafter be agreed upon. Brother, we say that we have in our possession volumes of treaties published by the general government, and other official documents, from which we learn the date of each treaty, with whom made, the amount ceded to the United States in acres, the sum paid in consideration of said cessions, from the origin of government to A. D. 1840. The same documents are in your State Library. Therefore, Brother, it is a very easy matter for our Brothers of Vermont to examine for themselves; we prefer the privilege of selecting the twenty treaties; we most willingly give our Brethren their choice.

Brother: as regards that portion of your answer to ours of yesterday as relates to our equitable or legal claim to our hunting grounds in Vermont, we have taken good counsels and say in brotherly love, that we consider our claim on our ancient hunting grounds in Vermont just in equity, and that we are legally entitled to a reasonable compensation.

We are prepared to make many quotations from the decisions and records of the white man, in our favor. We forbear at present from making but one extract. Brother, we refer you to the second page, second paragraph, of Mr. Redfield's report.

"There seems no reason to doubt that the Iroquois had possession of these lands and exercised dominion over the same, until dispossessed by the encroachments of civilization, and had, what has been treated by the United States Government, in other cases, title to these lands; and have never parted with that title by any treaty or compact, to which they, as a tribe or nation, have been a party."

Brother, this extract, with others on page tenth and eleventh, from said report, justifies us in believing that our claim on Vermont is just and equitable.

All the foregoing is respectfully submitted to the Commissioner, by the Deputies.

The meeting was now adjourned until the first Monday after the second Thursday in October next, at Montpelier, Vermont.

MONTPELIER, October 15, 1855.

The agents of the Iroquois met the Commissioner agreeably to adjournment, and again adjourned to October 17, 1855.

MONTPELIER, Oct. 17, 1855.

*Gentlemen of the Iroquois*:—I have listened attentively to your second proposition, which is to pay you four cents per acre, or the sum of eighty-nine thousand, six hundred dollars, for your ancient hunting ground in Vermont.

You seem to infer from my reply of the 21st June, that your language, or manner of speaking, in a previous proposition, had given me offence. In this you are mistaken; your language and manner of expression are very acceptable; your proposition was wholly inadmissible.

In your last proposition, you refer to Mr. Redfield's report, to substantiate a legal claim to a reasonable compensation for your lands in Vermont. The paragraph to which you refer is as follows:

"There is no reason to doubt, that the Iroquois had possession of these lands and exercised dominion over the same, until dispossessed by the encroachments of civilization, and had, what has been treated by the United States Government in other cases, title to these lands; and have never parted with that title by any treaty or compact, to which they, as a tribe or nation, have been a party."

I have already shown you in a previous reply, that you forsook your country,<sup>1</sup> as early as 1675 or 1676, and yourselves admit that you left your country even earlier than this period, and emigrated to the province of Lower Canada, near where you now reside, which was then a French province; you then swore allegiance to the French Government, became their allies in War, and the inveterate enemies of the English colonies in America. At this early period there was not a white inhabitant residing within the present limits of Vermont, neither was there any settlements of white persons in Vermont, to any extent, for nearly half a century subsequent to that period.

When you left your hunting grounds, and emigrated to Canada, you left a wilderness and went into the midst of civilization;<sup>2</sup> Montreal and

<sup>1</sup>The country of the Iroquois League, in New York.

<sup>2</sup>The reference is, of course, to the hunting-grounds of the Iroquois League, wherever these were. The Iroquois, however, were not with-

the adjacent country was, at that time, quite numerously settled by the French.

In relation to your having parted with your title to your hunting grounds, there seems to be but very little evidence upon the subject. The fact that your ancestors abandoned their lands at so early a period, and no claim or ownership was set up for nearly a century and a quarter, seems pretty conclusive evidence that they had parted with their title in some manner, at a very early day.

I find by examining the Documentary History of New York, Vol. 1, Page 582, that the board of trade at London declare, that by agreement with the Iroquois Indians, the lands on both sides of the Lake [Champlain] to a very great extent, was granted by the Government of New York, to British subjects, a long while previous to the year 1731. There is other testimony which goes to prove the same facts.

Your last proposition, of \$89,600, is entirely out of the question, and unless you should think proper to make a very different proposition, I shall feel myself under the necessity of declining your proposition altogether. In your treaty with New York, A. D. 1796, you accepted a sum equivalent to about twenty thousand dollars, and extinguished your claim to a tract of country much larger (if I mistake not) than what you claim in Vermont.

There are many reasons why your claim upon New York for compensation was better than it is upon Vermont. The first, and perhaps most important is, that you were living upon your lands in New York, and had been for a great number of years, which is very good evidence that you had not parted with the title, nor did not intend to abandon them. If you have any further propositions to make, I am now ready to receive them.

JAMES M. HOTCHKISS, *Commissioner*.

MONTPELIER, October 18, 1855.

*Mr. Commissioner on the part of the State of Vermont:*—In reply of our last meeting at the State House, we will say, the very commencement of our Father's communications upon this State, was in the year 1798, for compensation for their hunting grounds within the State, for which they claim and ask compensation, and have visited the Honorable Assembly of the Legislature, up to 1826. Several appropriations were made for their expenses while attending upon the Legislature, as a gratuity and token of friendship, and have always been rejected, not coming to a final settlement; but have not ceded a dollar's worth of the lands which they claim in Vermont, to any Government whatever, upon said claim on Vermont. And our ideas in the year 1852 were the same as our forefathers' communications for compensation for land in this State, and did not in the least intend to make any price whatever, as we had full confidence in the generosity of the people of the State Vermont; and our communication did not have any effect at this Session.

We again visited your respectable House the preceding year in 1853—the Legislature were at their session; we were then listened at, and instructions were given us to have our communication entered into the House of Representatives. Mr. Redfield was then appointed to make a Report at the next Session, in relation to our claim in Vermont.

out "civilization." They had an organized system of government, the pattern of the subsequent American Confederation of States; they dwelt in permanent villages; they had castles for defence; and they were an agricultural people, to the extent of raising corn, squashes, and beans, relying upon fish and the proceeds of the chase for meat.

At the next Session of 1854, we again presented our claim at your council fire, at your wigwam in the city of Montpelier, and renewed our claim. We then waited to witness whether the communication should succeed or have it ended by the Legislature. Our brotherly thanks to those who pitied and respected us, so far as putting life to our communications, which was through the goodness and kindness and humanity, also from the good feelings of the people of Vermont; it is true that joy went through our whole Iroquois Tribe, when the Report was made by us of being in hopes of coming to a final settlement, for our compensation.

As to the Iroquois ever abandoning their claim upon Vermont by leaving it as their hunting grounds, and have always hunted upon the same, since the time they emigrated to the river St. Lawrence, from the wilderness in which their support contained, in the year 1660, or thereabouts. There seems sufficient proof by the expedition of Champlain, in 1609, for the name Iroquois Country would be deemed sufficient proof that this country was exercised as their hunting ground, but did not part with that title, although they emigrated into Canada, and did not cross the lines of their Territory, but still remained on the south side of the River St. Lawrence, and will ever bear the name Iroquois Country, till the name Iroquois is constrained off by the State of Vermont, by trade in relation to compensation, the aforesaid hunting grounds. The Iroquois Indians had not parted with that title, for they kept fighting all the other tribes or nations of Indians and expelled them off, as it were from off their farm of produce.<sup>1</sup>

But inasmuch as you do not accept of our proposition for compensation for our hunting ground, we have now come to the conclusion to make you the following proposition. viz: We propose to submit our claim directly to the Legislature of Vermont, and rely upon the justice and humanity of the Government of Vermont, and desire to have no debate upon the sum that ought to be paid, but prefer to hear from said Government through their Commissioner, and we trust that the christian benevolence and strict moral rectitude and equity of the Legislature will authorize the Commissioner to make us such a proposition as we in justice to ourselves and our people ought to accept, and we hereby agree to relinquish all claim upon Vermont, in consideration of such sum or sums of money as the Legislature shall appropriate for that purpose; all of which is respectfully submitted by the Deputies. We now wait to hear from the Legislature upon the subject.

[Signed,]

FRANCIS D. ATOHASHOSHOR, } *Delegates of*  
SO SE TAIOVONIOTE, } *Caughnawaga.*  
JOSEPH KANATAKTAK PHILLIPS, *Secretary for*  
*the part of Caughnawaga Indian Tribe.*

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<sup>1</sup> For many years after the Cognawaga and other Indians, who are the claimants against Vermont, abandoned the Iroquois League in New York and became allies of the French, the Iroquois League waged incessant war upon the French and all their allies. Western Vermont, Lake Champlain especially, was then the war-path of the Iroquois in their raids upon Canada, and it is not possible that any Indians in alliance with the French could have used Western Vermont as a hunting-ground, except to a very limited degree and on rare occasions; certainly not to such a degree as to give them an exclusive title.

|   |                                      |
|---|--------------------------------------|
| his<br>LOUIS X TAIRONSHISTHE,<br>mark   | } <i>Delegates of<br/>St. Regis.</i> |
| his<br>PETER X SAKOIATENTHA,<br>mark  |                                      |
| his<br>PETER X SATEKAIENTON,<br>mark  |                                      |
| his<br>JOSEPH X ONONKWA TKOWA, <i>Delegate of Two<br/>Mountains.</i>                                |                                      |
| ANTOINE BARON, <i>Interpreter for the St. Regis<br/>and Lake of Two Mountains Iroquois Indians.</i> |                                      |

MONTPELIER, October 19, 1855.

*Gentlemen of the Iroquois*:—I have listened attentively to your last proposition, which is to submit your claim, without further debate, to the Legislature; which proposition I very readily accept, trusting that the Legislature will be willing to do you ample justice.

J. M. HOTCHKISS.<sup>1</sup>

The Senate passed a bill appropriating \$5000 to discharge this claim, but the House non-concurred—ayes 77, noes 116. In 1856 the bill was renewed, and again rejected.—See printed *House Journals*, 1855 and 1856.

A deputation of the Indians again appeared at the session of the Legislature in 1857, but the claim was not pressed.

#### *Renewal of the Claim in 1874.*

MONTPELIER, October 13th, 1874.

*To his Excellency the Governor of the State of Vermont*:

SIR: We, the delegates of the Iroquois Indians at Caughnawaga, St. Regis, and of the Lake of Two Mountains. We are come in the Capital of the State of Vermont, for investigating the decision of the Members of the Legislature of the said Vermont. And that the proposition made by our deputies on the 15th October, 1855, for the compensation of their hunting grounds of our ancestors of the State of Vermont, and the Commissioner had been objected to the said proposition, and on the 18th October, 1855, proposed to submit their claim directly to the Legislature of the State of Vermont, and rely upon the justice and humanity of the Government of Vermont, and desire to have no debate upon the sum that ought to be paid, but prefer to hear from said Government through their Commissioner, and trust that the Christian benevolence and strict moral rectitude and equity of the Legislature will authorize the Commissioner to make us such a proposition as we in justice to ourselves and our people ought to accept, and we hereby agree to relinquish all claim upon Vermont, in consideration of such sum or sums of money as the Legislature shall appropriate for that purpose: All of which is respectfully submit by the delegates. We now wait to hear from Legislature upon the subject.

<sup>1</sup> Printed *House Journal, Vermont*, 1855, pp. 619-641.



And in the year 1857, we had been sent to the Capital of Vermont of our deputies and agents for the same purpose (as we are now here) but we had received very little information from them. In consequence [that the] State House was been burned, [and] as they were expected to spend much money to rebuild the State House.

In further consideration, if the members of the Legislature had been so decided to pay a certain sum, we have no intention to take the Capital money invest to a foreign power or other Canadian bankers, but we are willing to invest with the Capital money in United States, paying the interest by annually or semi-annual of the Iroquois Indians. Unless so far in future it would be happened such as famine or destitution of the said Iroquois Indians, it will stand according to the negotiate with the treaty.

[Signed,]

|                                     |                     |
|-------------------------------------|---------------------|
| FRANCIS ANTORHAISHON, <i>Chief,</i> | } <i>Delegates</i>  |
| JOHN A. DIOME, <i>Interpreter.</i>  |                     |
| AREKSIS ARIHONN SOLOMON,            | } <i>Delegates</i>  |
| <i>Trustee State New,</i>           |                     |
| MATHAIS KARENHISON,                 | } <i>St. Regis.</i> |

*Report on the foregoing Memorial.*

IN HOUSE OF REPRESENTATIVES, Nov. 14, 1874.

*To the House of Representatives* :—The special committee, to whom was referred the petition of the delegates of the Iroquois Indians, have fully considered the same, and respectfully report : That the claim made covers all the land on the west side of the Green Mountains lying north-erly of a straight line from Ticonderoga to the Great Falls of Otter Creek (now called Sutherland Falls,) from thence to be continued to the top of the Green Mountains, thence along the top of said mountains to Canada line, containing some 2,240,000 acres of land, for which is demanded the sum of \$89,600.

This claim is not a new one, the first claim having been presented to Governor Tichenor in 1798, and it was by him referred to the Legislature, and a committee was appointed to examine into the claim, and the same was referred back to Governor Tichenor, and in 1799 he reported that the claim of the Indians to the lands in question had been extinguished.

Again, in 1812, a like petition was presented.

A similar memorial was presented, in 1826, to Governor Butler, and by him referred to the Legislature, and a committee was appointed who reported that the petitioners had no claim on this State.

The subject was up again in 1854 and 1855, and at no time has a favorable report on the petition been made.<sup>1</sup>

Your committee further find that the land claimed by the petitioners was ceded by France to Great Britain in 1763, and that the tribes of Indians, whom your petitioners claim to represent, about that time moved unto the limits of the Dominion of Canada and have since resided there ;<sup>2</sup> and there was no evidence before the committee that they have

<sup>1</sup>The report of Judge Timothy P. Redfield in 1854 was decidedly favorable, and that of Mr. Hotchkins in 1855 certainly was not altogether unfavorable.

<sup>2</sup>The claimants themselves admit that some of their ancestors became allies of the French as early as 1660, though there is evidence that others of the Cognawagas became so in 1671, 1720, and 1749.

ever occupied or been in possession of the territory claimed from 1763 to the present time, though the petitioners claim that a party of their tribe came on to said territory on a hunting excursion in 1799, or thereabouts.<sup>1</sup>

If the petitioners' claim was not extinguished by the treaty between France and Great Britain in 1763, your committee are of the opinion that all legal and equitable title to the property claimed was transferred to the United States by the treaty with Great Britain in 1783.

Whereupon your committee recommend the adoption of the following joint resolution:

*Resolved by the Senate and House of Representatives, That the Governor be requested to notify the petitioners that the State of Vermont has fully examined their claim, and are of the opinion that if such claim ever existed it was extinguished by the treaty between France and Great Britain in 1763, and by the treaty between Great Britain and the United States in 1783; and that the petitioners, at this time, have no legal or equitable claim or interest in or to any of the lands described in their petition.*

B. B. SMALLEY, *for Committee.*

The resolution was read and adopted on the part of the House.

The foregoing resolution was concurred in by the Senate.<sup>2</sup>

#### REVIEW OF THE CLAIM OF THE COGNAWAGA INDIANS.

According to a report made to the Legislature in 1854, Judge Timothy P. Redfield concluded, from his examination of the documents in the case, that it seemed to be "substantially conceded, that the claimants, prior to the treaty between Great Britain and France, A. D. 1763, had possession of the lands described as their hunting ground, and such title as Great Britain and the United States have uniformly treated with respect in their intercourse with the Indian tribes." It is presumed that the concession, on which this statement was founded, was that made by a committee of the Legislature in 1798, as that was the only concession ever made by anybody, previous to 1854, in behalf of the State. The statement of that committee was in these words:

And while the committee are of opinion that they [the Cognawaga Indians] have had a claim to the above described land, by a title arising from an agreement, entered into with other nations, the aborigines of this country, they cannot ascertain whether that title has been extinguished by purchase, conquest, direktion of occupancy, or in any other way whatever.

Further on this committee said :

That when they [the Indians] shall exhibit clear and circumstantial proofs, that the claim they now make is founded on the unerring rules of justice, and shall produce therewith the necessary documents," &c.

<sup>1</sup>This certainly could give the Indians no claim, even if the land were ungranted and unoccupied ; but it is believed that every township in the territory claimed was granted and occupied previous to 1799.

<sup>2</sup> Printed *Vermont House Journal*, 1874, pp. 326, 341, 647.

It seems to be quite evident that the *concession* of this committee was not absolute ; that it rested on statements then made by the claimants, but nevertheless the question was left open to "clear and circumstantial proofs." It is pertinent further to suggest, that in 1812 the claimants averred that in 1683 there was a dispute between the Iroquois of New-York and the eastern Indians as to the boundary between them, and that a Jesuit priest wrote to Gov. Dongan of New York, claiming the territory east of Lake Champlain for the Cognawagas of the Sault St. Louis. Presumably this claim was made to the committee in 1798, and influenced them to their *pro tempore* "opinion." It is sufficient to say here, that this claim was never substantiated, but on the other hand, as will be shown, there is much against it. It is further pertinent to suggest, that little stress was ever laid upon the fact of a good claim at any time, for the reason that the ground of Vermont ever was that the right of the claimants, if they ever had any, had been extinguished by the treaties of 1763 and 1783. Judge Redfield fully disposed of that ground by a brief but clear statement of the law of the case, showing that the treaties passed the *jurisdiction only* of the lands covered by them, and subordinated the title in grantees to any previously existing Indian right. The question therefore yet remains, whether the claimants ever had any right in Vermont which entitles them to compensation under the law as declared by the supreme court of the United States. The law, as stated by Judge Redfield,<sup>1</sup> requires

1. That the claiming Indians should be *friendly*. The facts are, that from 1671, when the Cognawagas first became allies of France, to the close of the revolutionary war, they were enemies, either as allies of France against the English, or of the English against the American colonies. From 1763 to 1775 was a period of nominal peace, and if the claimants can prove (as they do not) possession of any portion of Vermont during that period, it may be admissible for what it is worth. It is certain that some of the Cognawagas, influenced by Col. Louis Cook, acted with the U. S. army in the war of 1812, but that entitles their heirs to the favorable consideration of the United States government, and not of Vermont.

2. They must have a perpetual right of possession, from generation to generation ; or

3. Such a use of the lands in question as hunting-grounds.

On this it is sufficient to say, that from the earliest settlement of the Cognawagas under the French in 1761, until the peace of 1783, Vermont was almost continually the theatre of war, and any continuous use by the Cognawagas or other Indians, either for residence or hunting, was impossible.

On these grounds it may well be concluded that the claim is not admissible ; but it is deemed advisable to consider it as it has been made by the Cognawagas, both in their own right as occupants of the terri-

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<sup>1</sup> *Journal of the House of Rep. of Vermont*, 1854, p. 610.

tory in question, and also as descendants of the Iroquois of New York, the alleged ancient possessors of northwestern Vermont.

The agents of the claimants have come under various titles, as "Chiefs of the Seven Nations of Lower Canada," "Chiefs of the Iroquois or Cognawagah nation," "of the Cognawaga village commonly called Sault St. Louis," and "Delegates of the Iroquois Indians at Caughnawaga, St. Regis, and of the Lake of the Two Mountains;" and on one occasion an Abenaki chief attended; but under the name Cognawaga, in this paper, are embraced all who, seduced by Jesuit priests, abandoned the Iroquois Confederacy and joined the French Missions at Sault St. Louis in 1671; Lake of the Two Mountains in 1720; and Oswegatchi (now Ogdensburgh) in 1749, the descendants of whom subsequently settled at St. Regis. These proselytes were called *Caughnawages*, or *Praying Indians*.—See Smith's *History of New York*, Vol. I, p. 69; *Shea's Charlevoix*, Vol. II, p. 163, map; *Doc. History of New York*, quarto, Vol. 1. p. 18. It is certain that some, and probable that many, of these proselytes were from the tribe of Cognawagas, of the Mohawk Iroquois, whose home was on the north bank of Mohawk river, in the present county of Montgomery, N. Y.—See *Doc. Hist. of New York*, quarto, Vol. 4, p. 14; Sauthier's Map at the close of Vol. 1 of the same work, and Map of the Iroquois Confederacy in 1720, in *The League of the Iroquois*. It may be conceded, therefore, that the claimants are really descendants, as well as decedents, from the Iroquois Indians of New York, who were the most famous of all the North American Indian nations for their genius in government, their confederacy being the type, and two centuries at least in advance, of our own—for the virtues of truthfulness, perfect fidelity to their pledges, and liberal hospitality—and for the vast extent of the territory which they conquered.—See *The League of the Iroquois*, pp. 8 to 15, and 149 to 225.<sup>1</sup>

The claim under consideration was first made in 1798, twenty years subsequent to the organization of the government of Vermont. It is pertinent to ask why, if the claim was good, it should have been so long delayed; and probably a sufficient answer would be, that the claimants awaited the settlement of a like claim upon New York, which was not consummated until 1796. That treaty was urged by the claimants in 1798, and accepted in 1855 by Commissioner Hotchkiss, as *evidence* of the rightfulness of the claim upon Vermont. But this is a clear case of *non sequitur*, as the claim may have been good against New York, and not good against Vermont. On this point the following is important:

<sup>1</sup> It is a significant fact that in June 1754 a conference of seven of the American colonies was held at Albany, the representatives of the Iroquois League being present, at which Benjamin Franklin proposed a continental confederacy strongly resembling the Iroquois League.—See *Bryant's History of the United States*, Vol. III, p. 261; and *New York Colonial Documents*, Vol. VI, p. 889.

A claim advanced by the St. Regis and Caughnawaga Indians, in 1792, to a vast tract embracing most of the territory between the Mohawk and the St. Lawrence, was urged for several years with great pertinacity. This claim not only embarrassed the title to the lands of the settlers, but it agitated the public mind from the extreme terror which prevailed in the exposed settlements of savage hostility. Just and vigilant investigation amply established the conclusion that these tribes never possessed a title to the tract, but that the Iroquois were the original proprietors, who had long before alienated it to the whites by treaty or sale.—See *Champlain Valley*, by Winslow C. Watson, p. 90.

It is obvious from this and other records, that New York *rejected* all claim of the Cognawagas as descendants and decedents from the Iroquois; and one controlling reason is equally obvious. The Iroquois had a government and laws, which, though never expressed in a written or printed form, were nevertheless as perfectly understood by every tribe and individual of the nation as if they had been. According to these laws, *the fee* of every acre of the land was in *the nation*, and every tribe had only the *use* of the land within its bounds, and every Indian only the *use* of that which he actually occupied and improved. When the Cognawagas left the Mohawk nation, they could sell their improvements, and also sell or take away their personal property, but they necessarily abandoned *the land* to the nation. The same law covered the territory conquered by the Iroquois—their “far hunting-lands;” the Indians upon which were suffered to remain, but they could not sell an acre of the land.—See *League of the Iroquois*, pp. 326 and 338 note. The abandonment to New York by the Mohawks of the land formerly occupied by the Cognawagas was therefore conclusive against the latter and all their descendants.<sup>1</sup> In 1775 the Mohawks voluntarily abandoned all their territory in New York and removed to Canada, selling to New York in 1795 whatever interest may have been left. The right of the Mohawks to part of Vermont, as their hunting-ground, if any they had, also was abandoned, and that concluded every right of the Cognawagas, who were of the Mohawk nation. Certainly, if any Indians have a claim upon Vermont, it is the Mohawks, but they have never asserted any, as they did upon New York in 1795; and it seems absurd that the Cognawagas,

<sup>1</sup> In vol. v of Charlevoix's *Journal of Travels in North America*, p. 258, is a letter dated Saut St. Louis, May 1, 1721, in which, speaking of the converted Cognawagas of the Mohawks, he said:

Thus, to the great wonder of French and Savages, were seen these inveterate enemies of God, and of our nation, touched with his victorious grace, which thus deigned to triumph in the hardest and most rebellious hearts, *abandoning all that they held most dear in the world*, to receive nothing, that they may serve the Lord with more freedom. A sacrifice more heroic still for savages than other people, because none are more attached than them to their families, and their natal land.

Yet these converted Indians did not hesitate to invade their “natal land” with the tomahawk and with fire.

as descendants of and decedents from the Mohawks, should now assert a claim which the Mohawks have never made for themselves. Following this abandonment, New York proceeded to grant the ancient Mohawk lands. Previous to Jan. 1, 1779, grants had been made of lands in the heart of the country to a line considerably north of the latitude of Crown Point, and on the western border of Lake Champlain north to a point opposite to Isle la Motte.—See map at the end of Vol. 1 of the *Documentary History of New York*. Between that period and 1796, the grants were of course extended still further north, to a reservation six miles square including the land occupied by the Cognawagas at St. Regis.

In 1763, Sir William Johnson described the northeast and north boundary of the Iroquois country as a line from Split Rock on Lake Champlain to Ogdensburgh, and from thence along the south bank of the river St. Lawrence and Lake Ontario to Niagara, adding that the Iroquois had “long since ceded their claim *north* of said line in favour of the Canada Indians as Hunting ground.” According to the Iroquois laws, this was not a cession of the *title* of the Iroquois to the land, but only of its use for the purpose specified; and hence, as this northeast line applied to the Mohawk territory, on its sale or abandonment by the Mohawks, the *title* passed to New York. It is pretty certain, however, that Sir William meant, by the territory “north of said line,” that which was claimed by the Iroquois north of the St. Lawrence and Lake Ontario: first, because in his letter, which contains the above statement, he speaks of the claims of the Iroquois of New York to lands in Canada as extending down to the island of Montreal; again, because, Dec. 13, 1665, the Iroquois engaged “That the Hurons and Algonquins dwelling to the north of the River St. Lawrence, from the Esquimaux & Bertiamistes in going up, even to the Great Lake Huron or *Mer douce* and to the north of Lake Ontario, shall not be henceforth disturbed in the chase by the four Iroquois nations;”<sup>1</sup> and finally, no record has been found of any such concession to the Cognawagas. That this treaty of 1665 did not embrace the Cognawagas is evident from its terms, and also the fact that they had not then abandoned their tribe in New York and joined the French. If, however, it be supposed that a similar concession was afterward made to them, then they had used northeastern New York as hunting-ground long before the treaty of 1796; and if no such concession was ever granted, the residence of a part of the Cognawagas in New York, and of others on and near the boundary line, make it certain that they had used the northeastern part of New York, near their villages, in hunting and fishing, although in fact the land belonged to the Mohawk nation previous to the abandonment of 1775. That use entitled them to kind

<sup>1</sup> The Mohawks did not join in this treaty, but subsequently ratified it; and the Tuscaroras had not then joined the Iroquois League.—See *Documents relating to the Colonial History of New York*, Vol. III, pp. 122 and 126.

consideration, and the interests of the neighboring grantees undoubtedly made it the *policy* of New York to quiet their claim. Such was the opinion of Gov. Tichenor in 1799, after careful consideration at a time when the facts in the case were easily ascertainable—less than three years after the treaty had been made.

On referring to the statement of the Cognawaga agents to Vermont in 1798, *ante* p. 315, it will be seen that they claimed of New York all the land north of a line "from Charleton [Carleton, or Deer Island, and by the French named Isle au Chevreuils] in Cataraqua [Lake Ontario] to Lake George, from thence on the west side of Lake Champlain to Canada line." This was undoubtedly the claim made upon New York in 1792. Carleton island was very far west and Lake George was east of the line described by Sir William Johnson, and the claim covered not only a large part of the ancient Mohawk nation, but also parts of the western Iroquois nations. This claim New York rejected; and therefore it may be safely concluded that it rejected all claims of the Cognawagas as *descendants* or *heirs* of the Iroquois, making the treaty of 1796 on different grounds. Whatever rights the ancestors of the Cognawagas ever had, in Vermont, *as members of the League*, lapsed to the League when they abandoned it, passed from the League to New York, and from New York to Vermont on the final settlement between the two states, Oct. 17, 1790. It must be borne in mind that New York claimed jurisdiction of Vermont from 1764 until 1790, *previous* to which period the Cognawagas left New York and joined the French. It is also evident that any claim of the Cognawagas to Vermont as hunting-ground must have been previous to 1790, and of course while New York was claiming Vermont as a part of her territory. It therefore seems that such a claim, if it existed, should have been against New York. The fact is, however, that the claim against Vermont was made known to the New York Commissioners previous to the treaty of 1796, and this claim, as well as the claim against New York, was decided by the Commissioners to be untenable.<sup>1</sup>

The only other statement of the Cognawagas, tending to show a claim to Vermont in their own right, was that made by them in 1812, to wit, that in 1683 there was a dispute between their ancestors [the Iroquois of New York] and the Eastern Indians as to the boundary between them, and that a French Jesuit wrote to Gov. Dongan of New York that "the Iroquois of the Sault St. Louis or Cognawagah have *always* claimed the country lying on the east side of the Lac de Champlain," &c. The word "always," in 1683, had a somewhat limited meaning, inasmuch as the Mission at Sault St. Louis was not formed until 1671; and moreover it is to be remarked that this statement *excludes* all the claimants except the Cognawagas of Sault St. Louis, since the others

<sup>1</sup> For a good history of the Cognawagas, and of the treaty of 1796, see Franklin B. Hough's *History of Franklin and St. Lawrence Counties, New York*.

did not quit the Iroquois League until from thirty-seven to sixty-six years subsequent to 1683—i. e. in 1720 and 1749. Furthermore it is to be remarked that not a particle of proof has been furnished to substantiate this statement. On the other hand there is much to throw doubt upon it, not to say to contradict it. Col. Dongan was governor of New York from Aug. 27, 1683, to Aug. 11, 1688. The printed documents of his time contain not only all in the archives of New York, but of France; and nothing is found to substantiate either the statement as to the disputed boundary, or that touching the Cognawagas of the Sault St. Louis. It is hardly possible that such a letter to Gov. Dongan would have been omitted, since other letters from French Jesuits of less importance are printed. July 24, 1684, the French governor De la Barre did make a claim to territory far west of Vermont, which Dongan repudiated.<sup>1</sup> Not long afterward, in 1691, Father Jean de Lamberville was at Sault St. Louis. For several years preceding he had been a missionary among the Iroquois, and knew, probably as well as any body, the claims of the Iroquois of New York and of the Sault St. Louis. Several of his letters are in the Documentary History of New York, but there are none substantiating this claim. Indeed the New York documents furnish proof that in 1687 the village of Sault St. Louis was threatened, and Montreal actually invaded, by the Iroquois of New York. In view of the facts that Northwestern Vermont was then, and had long been, the war-path of the Iroquois of New York, and that they were at that period frequently upon it, it seems to be utterly impossible that the Cognawagas of the Sault St. Louis, or indeed any Indians hostile to the Iroquois, could have had any continuous occupation of that portion of Vermont, even for hunting-ground, such as would entitle their descendants now to compensation. It further appears from the New York documents that in 1684 the governor of Canada claimed *all* of the Iroquois country for the King of France, and specially Lake Champlain and vicinage, by virtue of the discoveries and conquests of Champlain in 1609 and a few subsequent years. The value of this *conquest* of Lake Champlain is to be measured by a battle with about two hundred Mohawks, who retreated before the muskets of Champlain, a weapon hitherto unknown to them. This was a victory for the time being, but it was not a *conquest*; nevertheless, more than a century after Champlain's victory, France assumed jurisdiction of both sides of Lake Champlain and made large grants of land, covering the best portion of the territory of Vermont claimed by the Cognawagas. The grant made to M. Hocquart in 1743 is probably a specimen of all, at least in the significant fact that it conveyed the "*Right of Hunting, Fishing and Trading with Indians throughout the extent of said Seigniorie,*" but allowed "*the beaches [of the Lake] free to all Fishermen, except those they [the grantee and ten-*

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<sup>1</sup> *Doc. Hist. of N. Y.*, Vol. 1, pp. 70, 71.



ants] *may require for their fishing.*" It seems therefore that the King of France recognized no right to this territory in his allies, the Cognawagas.<sup>1</sup> From the domination of the French Jesuits over the Indians of Canada in 1689 until the treaty of Utrecht in 1713, and the peace with the Indians in 1714, the Cognawagas of the Sault St. Louis joined in the attacks upon the English settlements in the valley of the Connecticut river, as the ancestors of the other claiming Cognawagas would have done had they then been allies of the French—but they were at that time in New York and allies of the English. In those raids Vermont was the war-path, and thus the Cognawagas of the Sault came to know Vermont and the people of the valley of the Connecticut. In 1727 Massachusetts authorized a trading-post at Fort Dummer, to which the Indians were invited to come for the purpose of trading ; and to encourage this, three commissioners of the Scaticook tribe were invited to come and reside at the post in 1734, and three commissioners of the Cognawaga tribe in 1735. They came, and yearly pensions were paid to them until 1744, when the French and English war commenced. A treaty was made at Fort Dummer with these Cognawaga delegates in 1737, but they left in 1744, doubtless to enter again upon the war-path.<sup>2</sup> It may perhaps be doubted whether these were representatives of the distant Cognawagas of the Sault St. Louis, who were few in number, while the Cognawagas of New York were nearer and more numerous. But conceding that they were, as Mr. Hall does, and that the Cognawagas of the Sault passed through western Vermont to trade at Fort Dummer from 1735 to 1744, it is to be remembered that this was the period when the king of France assumed jurisdiction of Western Vermont and recognized no right to the land, or even the use of it in hunting and fishing, except in subjection to his grantees. Subsequent to 1744, Vermont was again the theatre of war, and the allies of the French could not have gained continuous and peaceable possession for any purpose. The conclusion therefore is, not only that the Cognawagas never have proven a possession of the lands they claim, but that, under the circumstances shown, they never could have had, in their own right, such a possession or use of the land as would entitle them to compensation according to the law as declared by the supreme court of the United States.

It finally remains to consider the claim of the Cognawagas in the right of their ancestors, the Iroquois, who, it is claimed, were once possessors of the land in question. The authority cited to this point is Champlain, in his account of the expedition against the Iroquois on the western borders of Lake Champlain in 1609. Champlain's statement, covering July 14 or 15, 1609, was as follows :

<sup>1</sup> See grant to M. Hocquart, in *Doc. Hist. of New York*, Vol. 1, p. 351 ; Map of Lake Champlain and French grants, surveyed in 1732, opposite p. 358 of the same volume ; and Map of French and English grants of lands on Lake Champlain, opposite p. 368 of the same volume.

<sup>2</sup> B. H. Hall, *History of Eastern Vermont*, pp. 9-28, and 736-738.

Continuing our course over this lake [Champlain] on the western side, I noticed, while observing the country, some very high mountains on the eastern side, on the top of which there was snow.<sup>1</sup> I made inquiry of the savages whether these localities were inhabited, when they told me *that the Iroquois dwell there*, and that there were beautiful valleys in these places, with plains productive in grain, such as I had eaten in this country, [corn,] together with many kinds of fruit without limit. They said also that the lake extended near mountains, some twenty-five leagues distant from us. I saw, on the south, other mountains [the Adirondacks] no less high than the first, but without any snow. The savages told me that these mountains were thickly settled, and that it was there that we were to find their enemies," [the Iroquois.]"

The informants of Champlain were Hurons, whose home was in the neighborhood of Niagara Falls, and the Montagnais and others whose home was far down on the St. Lawrence, and all were enemies of the Iroquois. It is evident that they were ignorant of the Iroquois, as the latter inhabited no village that was not on or south or west of Mohawk river. But they said, as to northwestern Vermont, "that the Iroquois dwelt there." When? Was it at the time when Champlain was on this expedition, that is, in 1609? His own account forbids this interpretation, to wit, in his statement as to the land around the falls of the Richelieu river at Chambly, that "there are here some meadows, *but not inhabited by savages on account of the wars*," and still again as to the islands now constituting Grand Isle County, that "they were *formerly* inhabited by the savages, like the River of the Iroquois; *but they have been abandoned since the wars of the savages with one another prevail*." The river of the Iroquois was then understood to mean from the head of Lake George through and including Lake Champlain to the outlet into the St. Lawrence. This statement therefore implies that at least the whole of Vermont on Lake Champlain, north of a point opposite to Ticonderoga, was unoccupied by Indians. This covered the entire territory claimed by the Cognawagas. These several statements of Champlain, thus interpreted together, imply that the territory *had been* previously occupied, of course by Indians; and there is confirmation of this in a statement that some of the Abenaki tribe of Indians were the aboriginal occupants of Grand Isle County, and had a village at Alburgh, and a branch at the Sand Bar, but were driven off by the Iroquois. The author of this statement adds, that the country was called "*Irocoisa*

<sup>1</sup> Rev. Edmund F. Slafter, editor of the "Voyages of Sieur de Champlain," suggests that limestone may have been mistaken for snow; but on some portions of the lake granite peaks are visible, as Mount Hunger, and the next peak south. It is not impossible, however, that Mount Mansfield and Camel's Hump may have been tipped with snow, even in the middle of July.

<sup>2</sup> *Voyages of Sieur de Champlain*, English edition of the Prince Society in 1878, Vol. II, p. 217.

<sup>3</sup> *Voyages of Sieur de Champlain*, edition before cited, pp. 207 and 215.

or *Iroquois*, whom, tradition affirms, were the primitive dwellers on the lands embraced within these limits : but it is well known, that the *Iroquois* never had a permanent residence in this [Grand Isle] county."

Zadock Thompson, in *Thompson's Vermont*, Part II, p. 207, gives the same intepretation to Champlain's statement, to wit :

In his [Champlain's] journal of his first visit to this lake [Champlain] in 1609, he says expressly that here the country was formerly inhabited, but was at that time at a great extent abandoned on account of the continued wars.

Charlevoix also gave a version of Champlain's statement which confirms the foregoing interpretation, as follows :

About the middle of this lake, [Champlain,] very high mountains were discovered on the south and west, (Champlain said east and south,) the more distant of which, lying some twenty-five leagues off, seemed almost perpetually covered with snow. The valleys between them are very fertile, and at the time I speak of were all inhabited by *Iroquois*. Now there are none except at the south [New York,] and it was there that our warriors designed to make an irruption.\*

From the foregoing good authorities it appears that western Vermont was not *inhabited* by the *Iroquois* in 1609 ; and Champlain's statement, that the territory, even so far from the *Iroquois* country as Grand Isle

\* D. Webster Dixon, in *Vt. Historical Magazine*, Vol. II, p. 473.

\* Shea's *Charlevoix*, Vol. II, p. 15, referring to the edition of Champlain in 1613, pp. 191 and 226. In reference to the *Iroquois*, Shea in a note says :

The Indians told Champlain so, but nothing seems to sustain it. La-verdiere thinks the Hurons meant the Mohegans, conquered by the Mohawks.

It is true that the Stockbridge branch of the Mohegans "challenged twelve or more townships of land, situate and being on the west line of the province of New Hampshire, as chartered by Benning Wentworth, Esq., governor of said province." These lands were in the southwestern part of Vermont, and on the 30th of November, 1767, a subscription was made at Bennington to discharge the claim, whenever it should be proven.—See *Memorials of a Century, Bennington*, pp. 405-407. In 1779 an Indian claim to a portion of Vermont was made by Asa Douglas to Gov. Chittenden, and was deferred. This proved to be a claim of the Moheakunnuk [Stockbridge] Indians, whose territory has been described as "west of Connecticut river, extending a short distance west of the Hudson, and into the present state of Vermont." This made them next neighbors to the Mohawks, and in fact the tribe was ultimately admitted to a home in the *Iroquois* nation. Undoubtedly this was the claim made at Bennington in 1767. It was finally discharged by a grant to these Indians, by Vermont, of the township of Marshfield, —See *Gov. & Council*, Vol. I, p. 306, and Vol. II, pp. 127 and 128, and *League of the Iroquois*, p. 45. This was the only Indian claim to land in western Vermont until that of the Cognawagas in 1798.

and Chambly, and in near neighborhood to the French and their Indian allies, was unoccupied because of the prevailing wars, goes to show that there could not have been a continuous use of the territory as hunting-ground by any Indians. The Iroquois certainly commenced war upon the Canadian Indians as soon as their famous League had been formed, and continued it, almost incessantly and ruinously to Canada, until the peace of 1763. When the Iroquois were not on the Vermont war-path, the French and Indians often were, on their invasions of the Iroquois, so that neither party could have had continuous and peaceable possession of the territory in question.<sup>1</sup>

It is fairly inferrible from the statements of Champlain and Charlevoix that the Iroquois, at some period preceding 1609, *had* occupied northwestern Vermont. This evidently was the tradition which had come down to the Indians who accompanied Champlain. When was it, if ever? In Jeffery's *American Atlas*, London, 1776, map 14 embraces Vermont, and a part of Canada and New York west of Lake Champlain. A part of the country east and west of Lake Champlain, embracing northwestern Vermont, is marked as "Antient Country of the Iroquois." The word "antient" shows that it refers to a period preceding that in which the map was made, which was doubtless in 1732, by the Surveyor employed by France, as it marks the site of the fort at Crownpoint, and does not mark the fort at Ticonderoga. Moreover, to put an end to all doubt, it marks the territory of Vermont immediately south of the line of 45° as that of the Abenaki, who had a village and church at Swanton falls, on the Missisquoi river. In other maps a castle is marked there, and the various relics of Indians at this point in the possession of the Vermont Historical Society confirm this map.—See article on Indian relics in Swanton, by Hiram A. Cutting, in *The American Antiquarian*, Vol. II, p. 231. It has been said that the Indian settlement at Swanton was nearly depopulated by disease, and that the remnant settled on the St. Francis river in Canada.

Still the question is, when, if ever, did the Iroquois occupy Vermont? In 1535 Cartier visited the site of Montreal, and there he found Huron Indians, whose language was allied to that of the Iroquois, but they were enemies of the Iroquois. It was Hurons who united with Champlain in war against the Iroquois in 1609. In Oct. 1641 Monsieur de Masoneuve founded Montreal, and in the course of the ceremonies ascended the mountain there, and in the company were two aged Indians who called themselves *Iroquets*. They said that their tribe anciently occupied Montreal, and were driven out by the Hurons; that thereupon a part of their tribe took refuge with the Abinaki, and "others retired to the Iroquois cantons." This shows that the Iroquois were then in New York. These old Iroquets added, that "We were very numerous, and all the hills you see to the south and east were inhabited." In a note

<sup>1</sup> *League of the Iroquois*, pp. 8 to 23.

<sup>2</sup> Shea's *Charlevoix*, Vol. II, p. 127.

to p. 128 of the same volume the editor suggests that the Iroquets were driven out by the Iroquois instead of the Hurons, and that the Iroquets then took refuge with the Hurons and Abenaki. In either case it appears that the Iroquois were then in New York, and consequently that their residence near Montreal must have antedated that of the Iroquets. On page 9 of the second volume of Shea's *Charlevoix* it is stated that Champlain included the *Iroquets* and some other tribes under the general name of Algonquins; and in the Prince Society edition of *Sieur Champlain's Voyages*, pages 202, 236 and 246, "Captain *Yroquet*" is named as one of the Chiefs of the Algonquins and Hurons who assisted in the attack upon the Iroquois in 1609. Cartier found the Hurons at Montreal in 1535; so back of that must have been the palmy days of the Iroquets, and still farther back the period of the Iroquois in the same region. This conclusion is warranted by the traditions of the Iroquois, which are entitled to much confidence, inasmuch as a very important part of their system of government from generation to generation was, to select and set apart a "wise man," whose special business it was to commit to memory and communicate to the sachems and people, from time to time, the laws, treaties, and history of the nation. The great perfection with which the laws and history of the Iroquois League were handed down from its origin until now, and the strictness with which all its treaty obligations were observed and the obligations of others enforced, attest the great fidelity of these mnemonic officers.<sup>1</sup> The tradition of the Iroquois is as follows:

Prior to their occupation of New York they resided in the vicinity of Montreal, on the northern bank of the St. Lawrence, where they lived in subjection to the Adirondacks, a branch of the Algonquin race, then in possession of the whole country north of that river. At that time, the Iroquois were but one nation, and few in number. From the Adirondacks they learned the art of husbandry, and while associated with them, became inured to the hardships of the war-path and of the chase. After they had multiplied in numbers and improved by experience, they made an attempt to secure the independent possession of the country they occupied; but having been, in the struggle, overpowered and vanquished by the Adirondacks, they were compelled to retire from the country, to escape extermination.

The period of their migration from the north cannot now be ascertained. Tradition informs us, that having ascended the St. Lawrence to Lake Ontario, and coasted its eastern shore to the mouth of the Oswego river, they entered through this channel the central parts of New York. \* \* \* It is evident from their traditionary history, which is entitled to considerable credit, that they had long occupied the country before their necessities or increase of numbers made the League a feasible or desirable consummation. In relation to the period of its origin, there are some circumstances connected with their first intercourse with Europeans, tending to show that it had existed about a century at the

<sup>1</sup> *League of the Iroquois*, pp. 119-122. Many of the wampum belts, used to perpetuate the history of the Iroquois, are still preserved, and some of them are supposed to be as old as the League itself.—*Rev. W. M. Beauchamp in the American Antiquarian*, Vol. II, p. 228.

era of Dutch discovery [1608-9;] on the other hand, their principal traditions indicate a period far more remote.<sup>1</sup>

The authority quoted fixes the formation of the League at not later than 1608-9, and the traditions of the Iroquois "indicate a period far more remote." Far back of that, then, must have been the date of their exodus from Canada. They left as a single tribe, and small at that; and not until they had so far increased as to become five tribes was the League formed. It can hardly be presumed, therefore, that the Iroquois dwelt in Canada later than about the year 1400. If it be admitted that *then* they used Vermont as their hunting-ground, or even dwelt in it and cultivated its fertile valleys, their traditions show that it was not in their own right, but as subjects of the Adirondacks; as well as that they had *abandoned* the territory in question some three hundred years before a Frenchman or an Anglo Saxon had settled upon it. Their traditions further show that their exodus was through the St. Lawrence river and Lake Ontario, which goes to prove that they were *not* inhabitants of Vermont, since in that case their retreat would have been through Lakes Champlain and George, as the easiest and shortest route into the valley of the Mohawk. That was their route in their wars with the Indians and French of Lower Canada.

The fact is next to be noted that, while the Iroquois League was very jealous of all its territorial rights, no part of Vermont was ever included within its boundaries. Charlevoix, describing their territory in 1646, said:

The Iroquois extends between 41° and 44° N., about seventy leagues from east to west, from the upper part of the river which has successively borne their name [Iroquois,] those of Richelieu and Sorel—that is to say, *from Lake Sacrament [Lake George] to Niagara*—and a little over forty leagues from north to south, or rather from northeast to southwest—from the source of the little river of the Mohawks to the Ohio.

Again he said it is bounded "on the north by *Lake Sacrament* and the River St. Lawrence;" and that "the Mohawk canton is the most northerly of all, and nearest to New York."<sup>2</sup>

Charlevoix's points of compass are not consistent, as at one moment he accurately, or nearly so, places Lake George on the *east* of the Iroquois territory, and in the next on the *north*. It is to be remarked, however, that he makes Lake George the "upper part" of the Iroquois

<sup>1</sup> *League of the Iroquois*, pp. 5-9. The phrase "principal traditions" doubtless means what may properly be termed the *official* traditions, handed down from generation to generation by persons specially set apart for the purpose. It is worth remarking that Lewis H. Morgan, the author of the *League of the Iroquois*, was a learned man who had been adopted by the Seneca branch of the Iroquois League, and his assistant, Ely S. Parker, was an educated Seneca Indian. The volume is therefore trustworthy authority.

<sup>2</sup> Shea's *Charlevoix's History of New France*, Vol. II, pp. 188-9.

river, of course embracing the whole of Lake Champlain and its outlet into the St. Lawrence as a part of that river. And further it is to be remarked that in his map, copied from Champlain, he makes Lake George an extension of Lake Champlain directly to the south, instead of to the southeast. See map in Shea, Vol. II, p. 15. It is clear, therefore, that Lake Champlain was the *eastern* boundary of the Iroquois territory, which excluded any part of Vermont.

There are many maps covering the Iroquois country, but not one has been found which includes northwestern Vermont as a part of it, that one excepted which marked a portion of Vermont as the "Antient Country of the Iroquois," and has already been sufficiently remarked upon. A few of these will be noticed, and first the map of "Aboriginal America east of the Mississippi," in Bancroft's *History of the United States*, Vol. III, opposite to p. 241. This is a map of the Indian occupation of the country previous to the advent of any portion of the white race, Spanish, French, or English. The important fact touching the question under consideration is that Lake Champlain and Richelieu river constitute the eastern boundary of the Iroquois nation.

Another map of the highest authority, because made by an educated man who was well instructed in the traditions of the Iroquois and was adopted by one of its nations, is entitled as follows: "Map of Ho-de-nou-sau-nee-ga, or the territories of the People of the Long House [Iroquois League] in 1720. Exhibiting the Home Country of the Iroquois with the Aboriginal Names of their Villages, Lakes, Rivers, Streams & ancient Localities, and the Courses of their principal Trails. By Lewis H. Morgan, 1851."<sup>1</sup> The conclusive fact is, that Lake George, and Lake Champlain to the line of 45°, constitute the eastern boundary of the League.

Sir William Johnson dwelt among the Mohawks, and, while an agent of the British government, he was more a favorite with the Mohawks than was ever any white man, adopted into their tribe, elected a sachem, and commanded them in battle. In an official letter dated Nov. 13, 1763, he wrote thus of the country of the Iroquois:

As original proprietors, this Confederacy claim the Country of their residence, South of Lake Ontario to the great Ridge of the Blue Mountains, with all the Western part of the province of New York toward Hudson's River West of the Caats Kill, thence to Lake Champlain, and from Regioghne a Rock at the east side of said lake to Osswegatchee [Ogdensburgh] or La Gallett [Prescott] on the River St. Lawrence, (having long since ceded their claim North of said line in favour of the Canada Indians as Hunting ground,) thence up the River St. Lawrence and along the south side of Lake Ontario to Niagara.<sup>2</sup>

<sup>1</sup> *League of the Iroquois*, facing Book First.

<sup>2</sup> *Documents relating to the Colonial History of New York*, Vol. VII, pp. 573 and 576. The rock Regioghne, (also named Regio, Rodgio, Rogeo, Rogio, and Rosian, and by the French *roche rendu* and sometime *fendu*.)

It will be seen that the Iroquois did not claim western Vermont "as original proprietors" or a part of "their residence."

In 1771 Col. Guy Johnson, successor to Sir William, drew a "Map of the VI Nations Proper, with Part of the Adjacent Colonies," in which the eastern boundary in the valley of the Mohawk was a short distance west of Fort Stanwix. North of that point, including the territory north of the Mohawk, the map extends somewhat north of Crown Point and the eastern boundary is on Lakes George and Champlain. This indicates Split Rock as the one spoken of by Sir William. Four of the six nations are named, but the Mohawks and Tuscaroras are omitted, on which Col. Johnson said as to the former: "The Mohocks are not mentioned *as they reside within the limits of N. York* at Fort Hunter & Canajohare"—thus confirming the cession of all the inhabited parts of the Mohawk country to New York. On the part of the territory west of Lakes George and Champlain and extending a little north of Crown Point, Col. Johnson put these words: "The Boundary of New York not being closed this part of the Country still belongs to the Mohocks." It was abandoned by them four years later, and sold in 1795. Another feature in this map is, that it contains the "Indian Paths"; yet none is found nearer to Vermont than the west side of the Adirondack mountains. The same is true of the map of 1720 in the *League of the Iroquois*, in which however there is no trail to the north from the valley of the Mohawk. The reason probably is, that the long used "war-path" to Canada was usually a water-path by canoes—down the Mohawk, up the Hudson, and through Lakes George and Champlain, with the necessary short portages.<sup>1</sup>

The following statement, made in a "Representation" by a conference of delegates from seven American colonies at Albany in 1764, amply proves that the Iroquois were never regarded as having a claim to the territory east of Lake Champlain, to wit:

That the Lake Champlain formerly called Lake Iroquois and the Country Southward of it as far as the Dutch or English settlements, the lakes Ontario, Erie and all the Countries adjacent, have by all ancient authors, French and English, been allowed to the Five Cantons or Na-

was Split Rock, which is on the *west* side of Lake Champlain. In Peter Schuyler's journal of a canoe expedition to Canada in 1691, he states that this rock is thirty miles from Crown Point. This distance is too great, but so are canoe distances generally—for example, Champlain's distances in his account of the expedition through Lake Champlain in 1609.—See Vol. III, p. 802, of the work before cited in this note; also Shea's *Five Indian Nations* [Colden's History of the Iroquois,] Part I, p. 23; Watson's *Champlain Valley*, p. 103, and *History of Essex County* [N. Y.] p. 332; Chorographical Map in this volume facing Appendix J; and Hiland Hall's *Early History of Vermont*, p. 494.

<sup>1</sup> For Col. Johnson's map see *Documentary History of New York*, Vol. 4, preceding p. 661.



tions [Iroquois Confederacy,] and the whole of these Countries, long before the said Treaty of Utrecht, were by said Nations put under the protection of the Crown of great Britain.<sup>1</sup>

It will be observed that three of the maps referred to are of the country occupied by the Six Nations, or, as Col. Johnson put it, "By the Country of the six Nations proper is meant that part within which they principally reside, the rest which is of Vast extent being chiefly occupied by their dependants." While the proof is overwhelming that the Iroquois never pretended to have occupied or resided in Vermont, and therefore any claim of the Cognawagas on that ground is disproved, the inquiry arises whether the latter, as "dependents," ever were authorized by the Iroquois to use Vermont as their hunting-ground. In the map in the third of Bancroft, before referred to, the southern part of Vermont is marked as of the territory of the Mohegans, and history is that the Mohawks conquered the Mohegans. It may possibly be fair to infer that the Mohawks permitted the Mohegans to continue to occupy that part of Vermont as "dependents"; but the facts appear to be that the Mohegans (Stockbridge tribe) claimed compensation for that part of Vermont *in their own right*, and received it. There is no evidence that the Iroquois of New York ever claimed Northwestern Vermont as their own hunting-ground, exclusive of others, and certainly none of any concession to the Cognawagas. It is believed that such an incident certainly would have found a place in the history of the Iroquois; but there is nothing of the sort. On the other hand there is ample proof that, with occasional intervals of peace, there was war between the Iroquois of New York and the Cognawagas, at least until the peace of 1763. There is a single piece of evidence in the *League of the Iroquois*, p. 347, that the Mohawks hunted in Vermont. It is as follows:

Lastly, the Mohawks, leaving their valley, found well-stocked hunting-grounds upon the head-waters of the Delaware and Susquehanna, and also in the wild and rugged regions of the north, and around lake Champlain.

Gov. Hall, in his *Early History of Vermont*, p. 496, writing of the lands on and south of Otter Creek, says "it is by no means certain that the Mohawks ever claimed that they were within their hunting-grounds. In a representation of the New York Council to Gov. Monckton, in Jan. 1763, it is denied that the Mohawk Indians had any claim at the date to either of the tracts"—that is, to the territory in question, and to land on the west side of Lake Champlain. Godfrey Dellius professed to have purchased these lands of the Mohawks in 1696, and John H. Lydius in 1732.—See *Documentary History of New York*, Vol. 1, p. 370, and map facing p. 368; also Hiland Hall's *Early History of Vermont*, pp. 488-497.<sup>2</sup>

<sup>1</sup> *Documents relating to the Colonial History of New York*, Vol. VI, p. 886.

<sup>2</sup> Dellius seems to have wheedled the Mohawks, and the immense grant made to him by New York was abrogated. Lydius, for another transaction, was characterized by an Oneida sachem as a snake and a land-stealer.

But the conclusive facts are, first, that the Cognawagas forfeited all claim, in the right of the Mohawks, when they abandoned their ancient tribe ; and second, that the Mohawks themselves never claimed anything in Vermont.

There is evidence that Indians, other than the Cognawagas, occasionally occupied northwestern Vermont north of Otter Creek. For example, a small party of the Schaahkook Indians [of New York] encamped on the Winooski in 1699, for a year's stay in hunting beaver, and on their way they met some "Boston" [eastern] Indians, "who told them to keep off from *their coasts*, or they would kill them."<sup>1</sup> In Map 14 of Jeffery's Atlas [of survey in 1732] is a spot marked "Hevreuil," of which no explanation has been found. Winooski river is not laid down, but the Lamaille is, and the spot marked seems to be near the Winooski. It may possibly be the Indian station established in 1699. No evidence of like occupation by the Cognawagas has been met with. It is true that they have asserted, in 1826, that "their ancestors and themselves, as their descents, have from time immemorial enjoyed and possessed peaceably and without interruption, until the rupture between the North American colonies," the lands in question ; but the hostile relations existing between the Cognawagas and Iroquois up to the time they name, and the absence of proof to support their assertion, strongly militate against it. They doubtless believe that their ancestors had rights in Vermont—have often been told so; but this is far from proving their claim.

The conclusions are, that the claim of the Cognawagas, either in their own right, or in the right of the Iroquois of New York, is not sufficiently supported by anything they have advanced, or that has been found in the history of the Iroquois, of New York, or of Vermont.

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<sup>1</sup> *Documents relating to the Colonial History of New York*, Vol. IV, pp. 575-'6.

## APPENDIX I.

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### ADDITIONAL HISTORICAL DOCUMENTS.

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*Gov. Benning Wentworth of N. H. to Gov. Clinton of N. Y.*<sup>1</sup>

PORTSMOUTH, November 17<sup>th</sup> 1749.

Sir I have it in command from His Majesty to make Grants of the unimproved Lands within my Government, to Such of the Inhabitants and others, as shall apply for Grants for the Same, as will oblige themselves to Settle and improve; agreeable to His Majesty's Instructions.

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<sup>1</sup> BENNING WENTWORTH was the first governor of the territory which now constitutes Vermont, and for that reason the editor of these volumes has been tempted to give his portrait, which will be found in the *Wentworth Genealogy*, by Hon. John Wentworth of Chicago. Gov. Benning was the descendant of a long line of Wentworths in England, some of whom were of high rank, and one, Thomas Wentworth, Earl of Stratford—a patriot for many years, but won over to the court party of Charles the first—was executed for treason, in 1641, by the long Parliament. A portrait of the Earl is in the Gov. Wentworth mansion at Portsmouth, N. H. Benning Wentworth, oldest son of Lieut. Gov. John Wentworth of Dover, was born in Portsmouth, N. H., July 24, 1696, and graduated at Harvard University in 1715. He chose merchandise as his business, but was frequently representative, and councillor, and, July 3, 1741, was commissioned by King George the second as Governor of New Hampshire, and ordered to make grants of the unimproved lands within his government. His commission extended New Hampshire westward “until it meets with our [the king's] Other Governments.” Gov. Wentworth construed this to mean as far west as Connecticut and Massachusetts—in other words, that New York did not extend east beyond twenty miles east of Hudson river,—and, while the French and English war was going on, commenced zealously the issuing of grants of townships in what is now Vermont, the first being Bennington, named after himself, Jan. 3, 1749. He resigned his office to Sir John Wentworth in 1766, and died Oct. 14, 1770. Among Gov. Benning Wentworth's gifts were five

The War hitherto has prevented me from making So great a progress as I hoped for, on my first appointment ; but as there is a prospect of a lasting peace with the Indians, in which Your Excellency has had a great Share, people are daily applying for Grants of Lands in all Quarters of this Government, And particularly Some for Townships to be laid out in the Western part thereof, which will fall in the Neighbourhood of your Government.

I think it my duty to apprise You thereof, and to Transmit to your Excellency the description of New Hampshire, as the King has determined it in the words of my Commission, which after you have Considered, I shall be glad you will be pleased to give me your Sentiments in that [what] manner it will affect the Grants made by you or preceeding Governors, it being my intention to avoid as much as I can, Consistant with his Majesty's Instructions, Interfering with Your Government.

In Consequence of his Majesty's Determination of the boundary's between New Hampshire and the Massachusetts, A Surveyor and proper Chainmen were appointed to Run the Western Line, from three Miles North of Pautucket Falls, And the Surveyor upon Oath has declared, that it Strikes Hudsons River about eighty poles between, where Mohawk's river comes into Hudson's River, which I presume is North of the City of Albany, for which reason it will be necessary for me to be informed how far North of Albany the Government of New York Extends by his Majesty's Commission to your Excellency, and how many Miles to the Eastward of Hudson's River, to the Northward of the Massachusetts Line, that I may Govern myself accordingly. And if in the Execution of the King's Commands, With respect to the Lands, I can oblige any of your Excellency's Friends I am allways at your Service. I am with the greatest respect Sir Your Excellency's most Obedient humble Servant.

B. WENTWORTH.

*Description of the Bounds of New Hampshire contained in the following extract from the Commission of Gov. Wentworth, referred to above.*

George the Second by the Grace of God of Great Britain France and Ireland King Defender of the Faith &c.

To our Trusty and Well beloved Benning Wentworth Esq<sup>r</sup> Greeting Know You that We reposing especial Trust and Confidence in the prudence Courage and Loyalty of you the said Benning Wentworth Out of our Especial Grace, Certain knowledge and Meer Motion, have thought fit, to Constitute and appoint and by these presents do constitute and appoint you the said Benning Wentworth to be our Governor and Commander in chief of our province of New Hampshire, within Our Dominions of New England in America, bounded on the south side, by a similar Curve line pursuing the Course of Merrimac River, at three Miles distance, on the North side thereof, beginning at the Atlantic Ocean & ending at a point due North of a place called pautucket Falls,

hundred acres of land to Dartmouth College, on which the college buildings stand, and he approved of an appropriation of £300 to Harvard University to repair damages by fire to its library.—Blake's *Biographical Dictionary* ; Drake's *Dictionary of American Biography* ; and *Wentworth Genealogy*. The writer of this notice visited the Benning Wentworth mansion in Portsmouth a few years ago, and found nearly all of the building well preserved, together with the ancient carpets, paper-hangings, furniture, and ornaments. It is worthy of a pilgrimage by every Vermonter.

and by a Straight line drawn from thence due West cross the said river 'till it meets with our other Governments, and bounded on the South Side by a line passing up through the Mouth of Piscataqua Harbour, and up the Middle of the River, to the River of Newichwannock, part of which is now called Salmon Fall, and through the Middle of the same to the Furthest head thereof, and from thence North two degrees Westerly, until one hundred and twenty miles be finished from the Mouth of piscatawa Harbour aforesaid, or untill it meets with our Other Governments.

His Majesty's Description of the province of New Hampshire, as it stands in his Excellency's Commission.

Given in Whitehall, July the 3<sup>d</sup> in the 15<sup>th</sup> Year of His Majesty's Reign. Attest THEODORE ATKINSON, Secretary.

Province of New Hamps<sup>re</sup> Portsm<sup>th</sup> Nov<sup>r</sup> 17, 1749.

IN COUNCIL New York, 3 April 1750.

Ordered that his Excellency do acquaint Governor Wentworth That this Province [New York] is bounded Eastward by Connecticut River The letters Patent from King Charles the 2<sup>d</sup> to the Duke of York Expressly granting all the lands from the West side of Connecticut River to the East side of Delaware bay.<sup>1</sup>

A correspondence ensued, of which it may be said generally, that New York claimed to the west bank of Connecticut river, and New Hampshire to a line twenty miles east of Hudson river. June 22, 1750, Gov. Wentworth proposed to submit the question of boundary to the King, which was accepted by Gov. Clinton on the 25th of July of the same year.<sup>2</sup>

Not until July 20, 1764, did the king decide the question, and in the meantime Gov. Wentworth continued to make grants of townships, in what is now Vermont, until he had made the list following :

*Townships granted by Gov. Wentworth in Vermont.*

The following is made up from the list in Slade's *Vermont State Papers*, pp. 13-16 ; and another of John Kelly, purporting to have been taken from a map of New Hampshire, and sworn to March 6, 1771, which will be found in the *Documentary History of New York*, Vol. 4, pp. 430, 431. Kelly adds to Slade's list the towns of Essex, Stratton, and Somerset ; and Slade adds to Kelly's list the towns of Fane [Newfane,] and Lintfield [Royalton,] printed Linfield in an English map published in 1774.

| <i>Townships.</i>    | <i>Date of Grant.</i> | <i>Townships.</i>        | <i>Date of Grant.</i> |
|----------------------|-----------------------|--------------------------|-----------------------|
| Bennington,          | Jan. 3, 1749          | Rockingham,              | Dec. 28, 1752         |
| Halifax,             | May 11, 1750          | Woodford,                | March 6, 1753         |
| Marlborough,         | April 19, 1751        | New Stamford [Stamford,] | March 6, 1753         |
| “ reganted           | April 17, 1764        | Townsend,                | June 20, 1753         |
| Draper [Wilmington,] | April 19, 1751        | Hinsdale [Vernon,]       | Sept. 5, 1753         |
| “ reganted           | June 17, 1763         | Brattleborough,          | Dec. 26, 1753         |
| Westminster,         | Nov. 9, 1752          | Fulham [Dummerston,]     | Dec. 26, 1753         |

<sup>1</sup> *Documentary History of New York*, Vol. 4, pp. 331, 332.

<sup>2</sup> Slade's *Vermont State Papers*, pp. 10 to 13, and *Documentary History of New York*, Vol. 4, p. 334.

| <i>Townships.</i>       | <i>Date of Grant.</i> | <i>Townships.</i>                   | <i>Date of Grant.</i> |
|-------------------------|-----------------------|-------------------------------------|-----------------------|
| Putney,                 | Dec. 26, 1753         | Cornwall,                           | Oct. 14, 1761         |
| Hampstead,*             | Feb. 22, 1754         | Leicester,                          | Oct. 20, 1761         |
| regranted               | Nov. 3, 1761          | Middleborough [Middlebury,]         | Nov. 2, 1761          |
| Guilford,               | April 2, 1754         | New Haven,                          | Nov. 2, 1761          |
| Thomlinson [Grafton,]   | April 6, 1754         | Salisbury,                          | Nov. 3, 1761          |
| regranted               | Sept. 1, 1763         | Weybridge,                          | Nov. 3, 1761          |
| Pownall,†               | Jan. 8, 1760          | Fane [Newfane,]                     | Nov. 3, 1761          |
| Hartford,               | July 4, 1761          | Wallingford,                        | Nov. 27, 1761         |
| Norwich,                | July 4, 1761          | Hindsborough,*                      | June 21, 1762         |
| Saltaash [Plymouth,]    | July 6, 1761          | Ferrisburgh [Ferrisburgh,]          | June 24, 1762         |
| Reading,                | July 6, 1761          | Moncton [Monkton,]                  | June 24, 1762         |
| Windsor,                | July 6, 1761          | Charlotte,                          | June 24, 1762         |
| Killington [Sherburne,] | July 7, 1761          | Pocock [Bristol,]                   | June 26, 1762         |
| Pomfret,                | July 8, 1761          | Minehead [Bloomfield,]              | June 29, 1762         |
| Hertford [Hartland,]    | July 10, 1761         | Lewis,                              | June 29, 1762         |
| Woodstock,              | July 10, 1761         | Lemington,                          | June 29, 1762         |
| Bridgewater,            | July 10, 1761         | Averill,                            | June 29, 1762         |
| Bernard [Barnard,]      | July 17, 1761         | Neshobee [Brandon,]                 | Oct. 20, 1762         |
| Stockbridge,            | July 21, 1761         | Newbury,                            | May 18, 1763          |
| Arlington,              | July 28, 1761         | Colchester,                         | June 7, 1763          |
| Sunderland,             | July 29, 1761         | Essex,                              | June 7, 1763          |
| Stratton,               | July 30, 1761         | Bolton,                             | June 7, 1763          |
| Manchester,             | Aug. 11, 1761         | Waterbury,                          | June 7, 1763          |
| Sandgate,               | Aug. 11, 1761         | Burlington,                         | June 7, 1763          |
| Thetford,               | Aug. 12, 1761         | Williston,                          | June 7, 1763          |
| Strafford,              | Aug. 12, 1761         | New Huntington,†                    | June 7, 1763          |
| Sharon,                 | Aug. 17, 1761         | Duxbury,                            | June 7, 1763          |
| Springfield,            | Aug. 20, 1761         | Moreton [Moretown,]                 | June 7, 1763          |
| Weathersfield,          | Aug. 20, 1761         | Berlin,                             | June 7, 1763          |
| Dorset,                 | Aug. 20, 1761         | Jericho,                            | June 8, 1763          |
| Rupert,                 | Aug. 20, 1761         | Middlesex,                          | June 8, 1763          |
| Shaftesbury,            | Aug. 20, 1761         | Milton,                             | June 8, 1763          |
| Glassenbury,‡           | Aug. 20, 1761         | Westford,                           | June 8, 1763          |
| Pawlet,                 | Aug. 26, 1761         | Underhill,                          | June 8, 1763          |
| Danby,                  | Aug. 27, 1761         | Mansfield,                          | June 8, 1763          |
| Harwicke [Mt. Tabor,]   | Aug. 28, 1761         | Stow,                               | June 8, 1763          |
| Tunbridge,              | Sept. 3, 1761         | Worster [Worcester,]                | June 8, 1763          |
| Shrewsbury,             | Sept. 4, 1761         | Topsham,                            | June 17, 1763         |
| Clarendon,              | Sept. 5, 1761         | Lunenburg,                          | July 5, 1763          |
| Rutland,                | Sept. 7, 1761         | Lintfield [Roylton,]                | Aug. 4, 1763          |
| Somerset,               | Sept. 9, 1761         | Sudbury,                            | Aug. 6, 1763          |
| Fairley [Fairlee,]      | Sept. 9, 1761         | Whiting,                            | Aug. 6, 1763          |
| Tinmouth,               | Sept. 15, 1761        | Orwell,                             | Aug. 8, 1763          |
| Winhall,                | Sept. 15, 1761        | St. Albans,                         | Aug. 17, 1763         |
| Wells,                  | Sept. 15, 1761        | Swanton,                            | Aug. 17, 1763         |
| Ludlow,                 | Sept. 16, 1761        | Highgate,                           | Aug. 17, 1763         |
| Poultney,               | Sept. 21, 1761        | Georgia,                            | Aug. 17, 1763         |
| Castleton,              | Sept. 22, 1761        | Fairfax,                            | Aug. 18, 1763         |
| Shoreham,               | Oct. 8, 1761          | Fairfield,                          | Aug. 18, 1763         |
| Bredport [Bridport,]    | Oct. 9, 1761          | Smithfield [now part of Fairfield,] | Aug. 18, 1763         |
| Gulldhall,              | Oct. 10, 1761         | Hungerford [Sheldon,]               | Aug. 18, 1763         |
| Granby,                 | Oct. 10, 1761         | St. George,                         | Aug. 18, 1763         |
| Cavendish,              | Oct. 12, 1761         | Shelburne,                          | Aug. 18, 1763         |
| Maidstone,              | Oct. 12, 1761         | Ryegate,                            | Sept. 8, 1763         |
| Ferdinand,              | Oct. 13, 1761         | Barnet,                             | Sept. 16, 1763        |
| Brunswick,              | Oct. 13, 1761         | Peacham,                            | Dec. 31, 1763         |
| Winlock [Wenlock,]      | Oct. 13, 1761         | Corinth,                            | Feb. 4, 1764          |
| Bromley [Peru,]         | Oct. 13, 1761         | Dunbar [Benson,]                    | June 15, 1764         |
| Andover,                | Oct. 13, 1761         | Hubberton [Hubbardton,]             | June 15, 1764         |
| Addison,                | Oct. 14, 1761         | Pittsford,                          | June 15, 1764         |
|                         |                       | Panton,                             | Nov. 3, 1764          |

\* In Kelly's affidavit Flamstead, then New Flamstead, now Chester.

† Named for Gov. Thomas Pownall, probably.

‡ In Kelly Glosenbury, in an English map of 1774 Glastenbury, now Glastenbury.

\* Hindsborough in the map of 1774, now Hinesburgh.

† New Huntington in the map of 1744, now Huntington.

Grants to the following officers, agreeable to his Majesty's proclamation of the 7th of October, 1763:

| <i>Names.</i>         | <i>Quantity.</i> | <i>Date.</i>   |
|-----------------------|------------------|----------------|
| Capt. Robert Rogers,  | 3000 acres,      | July 4, 1764.  |
| Lieut. James Tate,    | 2000 acres,      | July 4, 1764.  |
| Lieut. P. Brown,      | 2000 acres,      | July 4, 1764.  |
| Lieut. Step. Holland, | 2000 acres,      | July 4, 1764.  |
| Lieut. And. Phillips, | 2000 acres.      | Aug. 11, 1764. |
| Capt. Nath. Whiting,  | 3000 acres.      |                |

Where these military grants were does not appear. The foregoing list is the most complete of the grants by Gov. Benning Wentworth that has ever been published ; but there are additions, in map 15 of Jeffery's *American Atlas*, the map published in 1774, which purports to give the Wentworth grants as far north as Guildhall on the east and Shelburne on the west. Had the map been extended to the line 45° it is possible that other grants would have been included. On this map are the following named townships :

*Cumberland*, apparently parts of Readsboro' and Whitingham.

A township east of Dorset not named, evidently *Peru*.

A township north of Rockingham on Connecticut river, now *Springfield*, and Springfield is in the foregoing list.

Two townships on " Wacte river," named Malden and Eastham, north-west of Fairlee. The true Wait's river is further north, and " Conith " [Corinth] is placed upon it. These towns best correspond to Vershire and Chelsea.

Coventry is placed between Addison and Salisbury, territory which is assigned in the foregoing list to Cornwall and Weybridge.

An unnamed town was located where Bradford now is.

And finally, Woodbury was given as the name of the town which is now *Newbury*, and Newbury is in the foregoing list.

A map in Jeffery's *Atlas*, printed in 1776, from Gov. Pownall's papers, repeats the names given in the map of 1744. On the whole the foregoing is the most complete list of the Benning Wentworth grants which is attainable.

*Proclamation declaring the Connecticut River to be the East bounds of the Province of New York.*

By the Honourable CADWALLADER COLDEN, Esq; His Majesty's Lieutenant Governor and Commander in Chief of the Province of New York, and the Territories depending thereon in America.

A PROCLAMATION.

Whereas King *Charles* the Second, by his several Letters Patent bearing Date the 12th day of *March*, 1663-4, and the 29th June, 1674, did give and grant in Fee, unto his Brother, *James* Duke of York, certain Lands, of which the Province of *New York* is a Part; containing, among other Tracts, " All that Island or Islands, commonly called by the several Name or Names of *Matowacks*, or *Long Island*, situate and being

towards the West of *Cape Cod*, and the *Narrow Higgansetts*, abutting upon the main Land between the two Rivers there called or known by the several names of *Connecticut* and *Hudson's River*. Together also with the said River, called *Hudson's River*, and all the land from the *West Side of Connecticut River*, to the *East Side of Delaware Bay*."

And whereas the Government of *New Hampshire*, by the Letters Patent of his late Majesty, given at *Whitehall*, the third Day of *July*, 1741, is described in the Words following; "Our Province of *New-Hampshire*, within Our Dominions of *New England in America*, bounded on the South Side by a similar Curve Line, pursuing the Course of *Merrimac River*, at Three Miles Distance on the North Side thereof; beginning at the *Atlantic Ocean*, and ending at a Point due North at a Place called *Pautucket Falls*; and by a straight Line drawn from thence due West cross the said River, till it meets with our other Governments; and bounded on the South Side by a Line passing up through the Mouth of *Piscataqua Harbour*, and up the Middle of the River to the River of *Newichuanock*. Part of which is now called *Salmon Falls*, and through the Middle of the same to the furthest head thereof; and from thence North two Degrees Westerly, until One Hundred and Twenty Miles be finished from the Mouth of *Piscataqua Harbour* aforesaid, or until it meets with our other Governments."

And whereas it manifestly appears by the several Grants or Letters Patent above recited, that the Province of *New York* is bounded to the Eastward by the River *Connecticut*: That the Province of *New-Hampshire*, being expressly limited in its Extent *Westward* and *Northward* by His Majesty's other Governments, is confined to the same River as to its Western Boundary; and that the said Government of *New-Hampshire* is not intitled to Jurisdiction Westward, beyond the Limits of that River.

And whereas the said Government of *New-Hampshire*, tho' fully apprized of the Right of this Government, under the Letters Patent aforementioned to the Duke of *York*; and sensible also that his Majesty has not been pleased to establish other Boundaries between his said two Provinces, hath granted Lands Westward of *Connecticut River*, within the Limits and Jurisdiction of the Government of *New-York*; in Virtue whereof, sundry Persons, ignorant that they could not derive a legal Title under such Grants, have attempted the Settlement of the Lands included therein, and have actually possessed themselves of Soil before granted within this Province; while others claiming under the said Government of *New-Hampshire*, have endeavored to impose on the Inhabitants here, by offering to Sale, at a low Rate, whole Townships of Six Miles Square, lately granted by the said Government Westward of *Connecticut River*.

To prevent therefore the Incautious from becoming Purchasers of the Lands so granted; to assert the Rights, and fully to maintain the Jurisdiction of the Government of this His Majesty's Province of *New-York*; I have thought fit, with the Advice of His Majesty's Council, to issue this Proclamation, hereby commanding and requiring all Judges, Justices, and other Civil Officers within the same, to continue to exercise Jurisdiction in their respective Functions, as far as to the Banks of *Connecticut River*, the undoubted Eastern Limits of that Part of the Province of *New-York*, notwithstanding any Contrariety of Jurisdiction claimed by the Government of *New-Hampshire*, or any Grants of Land Westward of that River, made by the said Government. AND I DO hereby enjoin the High Sheriff of the County of *Albany*, to return to me or the Commander in Chief, the Names of all and every Person and Persons, who under the Grants of the Government of *New-Hampshire*,



do or shall hold the Possession of any Lands Westward of *Connecticut* River, that they may be proceeded against according to Law.

GIVEN under my Hand and Seal at Arms, at Fort-George, in the City of New-York, the Twenty-eighth Day of December, 1763, in the Fourth Year of the Reign of our Sovereign Lord GEORGE the Third, by the Grace of GOD, of Great Britain, France, and Ireland, King, Defender of the Faith, and so forth. CADWALLADER COLDEN.

By His Honour's Command, GEO. BANYAR, *Dep-Secry*.

GOD SAVE THE KING.<sup>1</sup>

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*Proclamation of Gov. Wentworth in answer to the preceding of Lt. Gov. Colden.*

By His Excellency BENNING WENTWORTH Esq<sup>r</sup> Captain General Governor and Commander in Chief of His Majesty's Province of New Hampshire in New England, &c.

#### A PROCLAMATION.

Whereas His Honor Cadwallader Colden Esq<sup>r</sup> Lieutenant Governor and commander in chief of His Majesty's Province of New York hath lately issued a Proclamation of a very extraordinary nature, Setting forth that King Charles the Second, on the 12<sup>th</sup> day of March 1663<sup>1</sup> and the 29<sup>th</sup> of June 1674, did by his several Letters patent of those dates, grant in fee to his Brother the Duke of York among other Things all the Land from the west Side of Connecticut River to the East Side of Delaware Bay and therein also sets forth, or describes the Bounds of New Hampshire, in which description there is a very material mistake, besides there is omitted the fact, on which the description of New Hampshire depended, viz<sup>t</sup> His Majesty's determination of the northern, and western Boundaries of the province of the Massachusetts Bay in 1739 & nothing can be more evident, than, that New Hampshire may legally extend her western Boundary as far as the Massachusetts claim reaches; and She claims no more, but New York pretends to claim even to the Banks of Connecticut River although She never laid out and Settled one town in that part of His Majesty's Lands Since she existed as Government. When New York Government extends her Eastern Boundary, to the Banks of Connecticut River between New York and the Colony of Connecticut, & to the Banks of said River, between New York & the province of the Massachusetts Bay, it wou'd have been full early for New York to declare that the Government of New Hampshire was fully apprized of the Right of New York under the before recited Letters patent to the Duke of York.

In Virtue of the final determination of the Boundary Lines Settled by his late Majesty between this Government, and the Massachusetts Bay, all the Lands capable of Settlements have been erected into townships, agreeable to His Majesty's Commands, and a Considerable Revenue is daily arising to the Crown, unless interrupted & impaired by His Honor's Proclamation, which New Hampshire will not be answerable for.

At present the Boundaries of New York to the Northward are unknown, and as soon as it shall be His Majesty's pleasure to determine them, New Hampshire will pay a ready and chearfull obedience thereunto, not doubting but that all Grants made by New Hampshire that are fulfilled by the Grantees will be confirmed to them if it should be His Majesty's pleasure to alter the Jurisdiction.

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<sup>1</sup> *Documentary History of New York*, Vol. 4, p. 346.

For political Reasons, the Claim to Jurisdiction, by New York, might have been deferred, as well as the Strict Injunction on the Civil power to exercise Jurisdiction in their respective Functions, as far as the Eastern Banks of Connecticut River.

The said proclamation, carrying an air of Government in it, may possibly affect & retard the Settlement of His Majesty's Lands granted by this Government. For preventing an Injury to the Crown of this kind, and to remove all doubts that may arise to persons holding the King's Grants, they may be assured that the patent to the Duke of York is Obsolete, and cannot convey any certain Boundary to New York that can be claimed as a Boundary, as plainly appears by the Several Boundary Lines of the Jerseys, on the West, & the Colony of Connecticut on the East, which are set forth in the Proclamation as part only of the Land included in the said patent to the Duke of York.<sup>1</sup>

To the End therefore, that the Grantees now Settled, & Settling on those Lands under His Late & present Majesty's Charters, may not be intimidated, or any way hindered or obstructed in the Improvement of the Land so granted as well as to ascertain the Right & maintain the Jurisdiction of His Majesty's Government of New Hampshire as far westward as to include the Grants made, I have thought fit, by and with the advice of his Majesty's Council, to Issue this Proclamation hereby encouraging the Several Grantees claiming under this Government, to be industrious in clearing and cultivating their Lands agreeable to their respective grants.

And I do hereby require and command all Civil Officers within this province, of what Quality soever, as well those that are not, as those that are Inhabitants on the said Lands, to continue & be diligent in exercising Jurisdiction in their respective Offices, as far Westward as Grants of Land have been made by this Government, and to deal with any person, or persons, that may presume to interrupt the Inhabitants or settlers on said Lands as to Law and Justice doth appertain. The pretended right of Jurisdiction mention'd in the aforesaid Proclamation notwithstanding.

Given at the Council Chamber in Portsmouth the 13<sup>th</sup> day of March 1764 in the fourth year of His Majesty's Reign. B. WENTWORTH.<sup>2</sup>

[By his Excellency's command, with advice of Council,

T. ATKINSON jun. *Secretary.*]

[GOD SAVE THE KING.]

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<sup>1</sup> The meaning is that the patent to the Duke of York, set forth in Lieut. Gov. Colden's proclamation, included New Jersey, and Connecticut as far as to Connecticut river, whereas the fact at that time was that these were not a part of New York. Therefore, as Gov. Wentworth reasoned, "the patent to the Duke of York is Obsolete."

<sup>2</sup> *Documentary History of New York*, Vol. 4, p. 353. The above lines in brackets were from the copy in Slade's *Vermont State Papers*. A copy of the foregoing proclamation was given in Ethan Allen's "Vindication," Vol. 1 of the *Governor and Council*, p. 512, but it has been deemed best to give it here as it is in the New York Documentary History, as there are some differences.

*Lieut. Gov. Colden to the Board of Trade.*

NEW YORK, 12 April, 1764.

My Lords, Having lately seen a Proclamation of the Govern<sup>t</sup> of New Hampshire in a printed paper, I now enclose it to your Lord<sup>sh</sup> as it shews the necessity of your Lord<sup>sh</sup> coming to some speedy resolution on this point.

From the recitals in my Letter of the 20<sup>th</sup> of January last,<sup>1</sup> on this subject, it will appear with what candour this Proclamation is framed; and your Lord<sup>sh</sup> may in some measure judge whether the truth of the artifices with which that Govern<sup>t</sup> is charged, be not thereby confirmed; viz<sup>t</sup> The numerous Grants of Townships by New Hampshire on the West side of Connecticut River, in so short a time as since the last Peace, cannot be with any view, in the persons who have rec<sup>d</sup> those grants, to settle and improve those lands, but with a sinister view in a few persons to put large sums of money in their pockets, by jobbing and selling of Rights thro' all the neighbouring colonies, as appeared to the Council of this Province, by several persons going ab<sup>t</sup> this Province, New Jersey and Connecticut, hawking and selling their pretended rights, to great numbers of ignorant people, at low rates and defrauding them of large sums of money. That the grantees had no view of settling and improving the land by themselves, appears likewise by several advertizements in the Newspaper in which Gov<sup>r</sup> Wentworth's Proclamation is published and inclosed with this.

How low it is to give New Jersey as an instance that the Patent to the Duke of York is obsolete! This can only be designed for ignorant people, who know not that the proprietors of New Jersey hold under the patent to the Duke of York. If the Patent to the Duke of York be obsolete, and the lands granted by that Patent not now vested in the Crown, as part of its Demesnes, New York has no bounds.

I am perswaded that upon your Lord<sup>sh</sup> mature consideration of this matter, it will evidently appear on the principles of Justice, policy and public utility, that the Jurisdiction of New York ought to extend to Connecticut River, as the Duke of York's Patent does. The Commerce of the whole Country on the West side of Connecticut River is by Hudson's River, and the produce of the Northern part of that Country must be transported by that River.<sup>2</sup>

About four hundred reduced officers and disbanded soldiers have already applied to me for lands pursuant to His Majesty's proclamation which at this time are to be surveyed for them in that part claimed by New Hampshire. Your Lord<sup>sh</sup> will perceive the necessity of determining the Claim of New Hampshire speedily.

People of all sorts who intrude on His Maj<sup>ty</sup>'s Rights in America are very assiduous in prosecuting every measure that serves for their purpose, the case of the King's rights in this Prov<sup>ce</sup> is left to [the] Gov<sup>r</sup> alone without a single farthing to defray any expence that may become necessary for that purpose; for this reason the Gov<sup>r</sup> has no method but by applying to your Lord<sup>sh</sup>. The multiplicity of business has often prevented the King's Ministers from taking the representations of the Gov<sup>r</sup> into immediate consideration, and as he cannot be at the charge of solicitors to remind your Lord<sup>sh</sup> these affairs have been often forgot. This has given great advantage not only to the intrusions from the neighbouring Colonies but to intrusions of private persons among ourselves.

<sup>1</sup> For this letter see *Documentary History of New York*, Vol. 4, p. 348.

<sup>2</sup> This statement was very justly controverted by Ira Allen.—See *Gov. & Council*, Vol. 1, p. 383.

Any delay at this time will certainly be prejudicial to His Majesty's interest: prevent the benefit designed for the Army in America; and the settling of that part of the Country, besides the inconveniences and perhaps mischiefs which may happen by the different claims of Jurisdiction. These things I flatter myself will excuse these repeated solicitations on this subject from My Lords, etc. CADWALLADER COLDEN.<sup>1</sup>

The foregoing documents have been given as an introduction to the following royal Order in Council, which was the source of immense trouble to the early settlers of Vermont, who were, by the controversy as to jurisdiction, put between the upper and nether mill-stones. Many other papers are published in the documentary histories of New Hampshire and New York, of which an admirable review and summary will be found in Hiland Hall's *Early History of Vermont*, by which Gov. Wentworth is amply vindicated.

*Order in Council fixing the Boundary between New York and New Hampshire.*

(L. S.) At the Court of St. James the 20<sup>th</sup> Day of July 1764.

PRESENT.

The King's most Excellent Majesty.

|                  |                                 |
|------------------|---------------------------------|
| Lord Steward     | Earl of Hillsborough            |
| Earl of Sandwich | Mr Vice Chamberlain             |
| Earl of Halifax  | Gilbert Elliot Esq <sup>r</sup> |
| Earl of Powis    | James Oswald Esq <sup>r</sup>   |

Earl of Harcourt

Whereas there was this Day read at the Board, a Report made by the Right Honourable the Lords of the Committee of Council for Plantation affairs dated the 17<sup>th</sup> of this Instant, upon considering a Representation from the Lords Commissioners for Trade and Plantations, relative to the Disputes that have some years Subsisted between the Provinces of New Hampshire and New York concerning the Boundary Line between those Provinces. His Majesty taking the same into consideration was pleased with the advice of his privy Council to approve of what is therein proposed, and doth accordingly hereby Order and Declare the Western Banks of the River Connecticut, from where it enters the Province of the Massachusetts Bay, as far North as the forty-fifth Degree of Northern Latitude, to be the Boundary Line between the said two Provinces of New Hampshire and New York. Whereof the respective Governors and Commanders in Chief of his Majesty's said Provinces of New Hampshire and New York for the time being and all others whom it may Concern are to take notice of his Majesty's Pleasure hereby signified and Govern themselves accordingly. WM. BLAIR.<sup>2</sup>

Ira Allen intimated that the foregoing order was issued in response to petitions purporting fraudulently to be from settlers on the New Hampshire Grants.—See Ira Allen's *History of Vermont*, p. 18, and *Vermont Historical Society Collections*, Vol. I, p. 340.

<sup>1</sup> *Documentary History of New York*, Vol. 4, p. 354.

<sup>2</sup> *Documentary History of New York*, Vol. 4, p. 355.

*Order of the Governor and Council of New York, in Favor of the Occupants under New Hampshire, who were settled before the 22<sup>nd</sup> Day of May, 1765.*

At a Council held at Fort George in the City of New York, on Wednesday the 22<sup>d</sup> day of May, 1765.

PRESENT.

The Honorable CADWALLADER COLDEN, Esq. Lieutenant Governor, &c.

Mr. Horsmanden,  
Mr. Smith,

Mr. Reade,  
Mr. Morris,

Mr. Watts.

The Council taking into Consideration the case of those Persons, who are actually settled under the Grants of the Government of *New Hampshire*, on lands Westward of *Connecticut* River, and Eastward of *Hudson's* River; which, by his Majesty's Order in Council of the twentieth Day of *July* last were declared to be within the Jurisdiction of this Province; and that the dispossessing of such Persons might be ruinous to themselves and their Families, is of Opinion, and it is accordingly ordered by his Honour the Lieutenant Governor, with the Advice of the Council, that the Surveyor General do not, until further Order, make Return on any Warrant of Survey, already, or which may hereafter come to his Hands, of any Lands so actually possessed under such Grants, unless for the Persons in actual possession thereof, as aforesaid; and that a Copy hereof be served on said Surveyor-General.<sup>1</sup>

*Order of the Governor and Council of New York, that the Claimants under New Hampshire Sue out their Grants by a limited Time, to prevent the Preference of other Petitioners.*

At a Council held at Fort George, in the City of New York, on Friday the Sixth Day of June 1766.

PRESENT.

His Excellency SIR HENRY MOORE, Baronet, Captain General, &c.

Mr. Smith,  
Mr. Watts,  
Mr. De Lancey,

Mr. Reade,  
Mr. Morris.

The Board having under Consideration, sundry Petitions of Lands, lying on the West Side of *Connecticut* River, which were formerly granted by Letters Patent under the Seal of the Province of *New Hampshire*, but were then actually,<sup>2</sup> and do now by his Majesty's Order in Council of the 20<sup>th</sup> day of *July* 1764 appear to be within the Limits of this Province; it is ordered by his Excellency the Governor, with the Advice of the Council, that all Persons holding or claiming Lands under such Grants, do, as soon, as may be, appear by themselves or their Attornies, and produce the same, together with all Deeds, Conveyances, or other Instruments by which they derive any Title or Claim to the said Lands, before his Excellency in Council; and that the Claims of such Person or Persons who shall not appear, and support the same as aforesaid, within the Space of three Months from the Date here of be rejected; and the Petitions already preferred for the said Lands forthwith proceeded upon; also that Notice be given, by publishing this Order three Weeks successively in one or more of the public News-Papers printed in this City.

<sup>1</sup> *Documentary History of New York*, Vol. 4, p. 357.

<sup>2</sup> This of course was controverted.

(Here follows)

An ordinance for establishing a Court of Common Pleas, and a Court of General Sessions of the Peace in the County of Cumberland [now Windham and Windsor Counties, Vermont,] in the Province of New York.

11 July 1766: Read in Council & approved of and ordered to pass the Seals.<sup>1</sup>

The grantees of New Hampshire soon found that, although they had paid the king for their lands, through Gov. Wentworth, and were in possession of them, they could not obtain a confirmation from New York without paying a sum much more exorbitant than the original cost of their lands. Thereupon, in November 1766, they appealed directly to the king, in petitions signed by a great number of people, who constituted Samuel Robinson, senior, of Bennington, and others, their attorneys in the matter.<sup>2</sup> Mr. Robinson went to England and in a degree successfully accomplished his mission, as the following document shows:

*Lord Shelburne to Gov. Moore.*

WHITEHALL April 11<sup>th</sup> 1767.

Sir Two Petitions having been most humbly presented to the King in council, One by the incorporated Society for the propagation of the Gospel, and the other by Samuel Robinson of Bennington, in behalf of himself, and more than one thousand other grantees of Lands on the West side of Connecticut River, under certain grants issued by Benning Wentworth Esq<sup>r</sup> Governour of New Hampshire & praying for redress in several great Grievances therein set forth, lest there should be any further proceedings in this matter, till such time as the council shall have Examined into the grounds of it, I am to signify to you His Majesty's Commands that you make no new Grants of these Lands and that you do not molest any person in the quiet possession of His Grant, who can produce good and valid Deeds for such Grant under the Seal of the Province of New Hampshire until you receive further orders respecting them.

In my letter of the 11<sup>th</sup> Dec<sup>r</sup> I was very explicit. upon the point of former Grants you are therein directed to "take care that the Inhabitants lying Westward of the Line, reported by the Lords of Trade as "the Boundary of the Two Provinces, be not molested on account of "Territorial differences, or disputed jurisdiction, for *whatever Province* "the Settlers may be found to belong to, it should make no difference in "their Property, provided that their Titles to their Lands should be "found good in other Respects or that they have been long in the uninterrupted Possession of them." His Majesty's Intentions are so clearly expressed to you in the above Paragraph that I Cannot doubt of your having immediately upon receipt of it removed every cause of those complaints which the Petitioners set forth. If not, it is the King's express command that it may be done without the smallest delay. The Power of Granting Lands was vested in the Governours of the Colony originally for the purpose of accommodating not distressing settlers, es-

<sup>1</sup> *Documentary History of New York*, Vol. 4, p. 363. The ordinance referred to was disallowed by the king.—See same, p. 375.

<sup>2</sup> For this petition and nineteen lists of signatures, see *Vermont Historical Society Collections*, Vol. 1, pp. 277-288.

pecially the poor and industrious any perversion of that Power, therefore, must be highly derogatory both from the dignity of their Stations and from that disinterested Character which a Governor ought to support, and which His Majesty expects from every person honored by him With his Commission. The unreasonableness of obliging a very large Tract of Country to pay a *Second Time* the immense sum of thirty three thousand pounds in Fees according to the allegations of this Petition<sup>1</sup> for no other reason than its being found necessary to settle the Line of Boundary between the Colonies in question is so unjustifiable that his Majesty is not only determined to have the strictest Enquiry made into the Circumstances of the Charge, but expects the clearest and fullest answer to every part of it. I am &c. SHELburnE.

Sir Henry Moore Bar<sup>t</sup> <sup>2</sup>

This sharp rebuke was followed speedily by the annexed royal Order in Council.<sup>3</sup>

*Order of the King in Council forbidding the Governor of New York to make grants of any lands already patented by New Hampshire.*

At the Court at St James the 24<sup>th</sup> day of July 1767.

PRESENT.

THE KING'S MOST EXCELLENT MAJESTY.

|                          |                       |
|--------------------------|-----------------------|
| Archbishop of Canterbury | Earl of Shelburne     |
| Lord Chancellor          | Viscount Falmouth     |
| Duke of Queensbury       | Viscount Barrington   |
| Duke of Ancaster         | Viscount Clare        |
| Lord Chamberlain         | Bishop of London      |
| Earl of Litchfield       | Mr Secretary Conway   |
| Earl of Bristol          | Hans Stanley Esquire. |

Whereas there was this day read at the Board, a Report from the Right Hon<sup>ble</sup> the Lords of the Committee of Council for Plantation affairs, dated the 30<sup>th</sup> of last month in the words following viz<sup>t</sup>

"Your Majesty having been pleased to refer unto this Committee the "humble Petition of the Incorporated Society for the Propagation of the "Gospel in Foreign Parts, Setting forth among other things, that Benjamin Wentworth Esquire Governor of New Hampshire in New England, made several Grants of Large Tracts of Land lying on the West "side of Connecticut River, which were incorporated into above one "hundred Townships, and several shares were reserved in each of the "said Grants to the Petitioners for a Glebe for the Church of England, "and for the benefit of a School: That the Government of New York "having claimed the said Lands and the Jurisdiction thereof, granted

<sup>1</sup> The petition states that the average of fees demanded was £330, besides a quit-rent of two shillings and sixpence for each hundred acres. Assuming that Gov. Wentworth granted one hundred and thirty towns, the expected fees would amount to £42,900.

<sup>2</sup> *Documentary History of New York*, Vol. 4, p. 365. For Gov. Moore's replies see same, pp. 365-375; and for a review of them, Hiland Hall's *Early History of Vermont*, pp. 89-94.

<sup>3</sup> This order, without the preamble, has been repeatedly quoted in the Vermont documents already published in these volumes, but it is deemed best to record it here in its entirety.

"great part of those Lauds without reserving any shares for the above-mentioned Public Uses: And therefore the Petitioners Pray that the Grants made by the Government of New Hampshire may be ratified and confirmed, or such order made thereupon as to your Majesty should seem meet—and your Majesty having been likewise pleased to refer unto this Committee the humble Petition of Samuel Robinson of Bennington in North America on behalf of himself and more than one thousand other Grantees of Lands on the West side of Connecticut River, under Certain Grants issued by the said Governor of New Hampshire, Setting forth amongst other things, that the said Governor made Grants to the Petitioners of several Tracts of Land lying as aforesaid on the Western side of the Connecticut River, which were incorporated into above one hundred Townships and supposed to lie within the Government of New Hampshire, whereupon the petitioners expended large sums of money in settling and cultivating the same. That on the 20<sup>th</sup> of July 1764 the said Lands having been declared by your Majesty to be within the Government of New York, the Lieutenant Governor of that Province made grants of part of the said Lands included within the Petitioners Grants, which being of infinite prejudice to them; they therefore most humbly pray (amongst other things) that their said several Grants made by Governor Wentworth may be ratified and confirmed under your Majesty's Royal Order. The Lords of the Committee, in obedience to your Majesty's said Order of Reference, have taken the said Petitions into their Consideration, together with a Report made by the Lords Commissioners for Trade and Plantations upon the former of said Petitions, and do thereupon humbly report as their opinion to your Majesty, that the most Positive orders should be immediately sent to the Governor of New York, to desist from making any Grants whatsoever of any Part of those Lands, until your Majesty's further Pleasure shall be known."

His Majesty, taking the said Report into Consideration, was pleased with the advice of his Privy Council to approve thereof, and doth hereby strictly charge, require and command that the Governor or Commander in Chief of his Majesty's Province of New York for the Time being, do not (upon Pain of his Majesty's highest displeasure) presume to make any Grant whatever of any Part of the Lands described in the said Report, until his Majesty's further Pleasure shall be known concerning the same.

W: SHARPE.<sup>1</sup>

Oct. 20, 1769, the Lieut. Governor and Council of New York determined that the foregoing order did not forbid the granting of lands, in what is now Vermont, which had not already been granted by New Hampshire. This apparently was not in contravention of the order of the king, but Lord Hillsborough, the king's minister, Dec. 9, 1769, informed the Governor of New York that the prohibition extended to "any grants to be made of lands annexed to New York by his Majesty's determination of the boundary of that colony [New York] and New Hampshire"; and the order, with this interpretation, was renewed in 1771; nevertheless was it disregarded by the Governors of New York.—See Hiland Hall's *Early History of Vermont*, pp. 98-100.

Warranted by the declared opinion of the king as to their rights, and provoked by the persistent disregard of the king's commands by New York, the grantees of New Hampshire proceeded to protect their rights,

<sup>1</sup> *Documentary History of New York*, Vol. 4, pp. 375-6.



even by force, and to resist the jurisdiction of New York, which was attempted to be exercised against their rights and in defiance of the order of the king. The king's order of July 1767 was never changed, but was enlarged by authorized interpretations: hence in the collisions between the inhabitants of the New Hampshire Grants and New York, until the authority of the king himself was disowned, it may safely be said that the Green Mountain Boys were in the right. Two incidents will sufficiently indicate their spirit: one in which their most prominent leaders took part, and the other in which none of them were present. In January 1775, the Rev. Benjamin Hough of Clarendon, a magistrate appointed by New York, was arrested by Peleg Sunderland and others and taken to Sunderland, where he was tried, for sundry offences against the New Hampshire grantees, by Ethan Allen, Seth Warner, Robert Cochran, Peleg Sunderland, James Mead, Gideon Warren, and Jesse Sawyer—a jury of six men—and convicted; thereupon he was sentenced to “receive two hundred lashes on the naked Back, and then as soon as he should be able should depart the New Hampshire Grants and not return again upon pain of receiving five hundred lashes.” This punishment was inflicted, and the subject of it received the following certificate and free pass from the New Hampshire Grants:

Sunderland January the 30th Day A. D. 1775. This may certify the Inhabitants of the New Hampshire Grants that Benjamin Hough hath this Day rec'd a full punishment for his crimes committed heretofore against this Country, and our Inhabitants are ordered to give him the sd Huff free and unmolested Pasport toward the City of New York or to the Westward of our Grants, he behaving as becometh. Given under our Hands the Day and Date aforesaid.

ETHAN ALLEN,  
SETH WARNER.<sup>1</sup>

*Deposition of Col. David Wooster, Feb. 20, 1773.\**

CITY OF NEW YORK, ss. David Wooster, of New Haven, in the Colony of Connecticut, Esquire, being a Captain on Half-pay, reduced from his Majesty's Fifty-first Regiment of Foot, being duly sworn, maketh oath, that as a reduced officer as aforesaid, he obtained, pursuant to his Majesty's Proclamation for that Purpose, a Grant under the Great Seal

<sup>1</sup> See Hough's affidavit in *Documentary History of New York*, Vol. 4, pp. 539-542, and *Governor and Council*, Vol. I, p. 468, note. It will be noticed that the note referred to gives a severer punishment for a second offence than Hough states in his affidavit.

\* DAVID WOOSTER was born at Stratford, Conn., March 2, 1710, and graduated at Yale College in 1738. He commanded a vessel in the expedition against Louisburg in 1745, and served in the French and English war, reaching the rank of Brigadier General. He was one of the originators of the capture of Ticonderoga in 1775, served as Brig. General in Canada in the same year, holding the chief command after the death of Gen. Montgomery. In this service he made a better acquaintance with the Green Mountain Boys than that indicated in his deposition.

of the Province of New York, for three thousand acres of Land, on the East Bank of Lake Champlain, within a Mile and a Quarter of the Fort [Ticonderoga] there, that about five years since [1768, a year after the king's prohibition,] and after the Deponent had obtained the said Grant, on visiting those Lands he found five Families which had then lately settled, some of whom pretended to have a Claim there under a Grant from the Province of New Hampshire, and some of them pretending no Right at all, promised the Deponent immediately to leave the said Lands; the others this Deponent then served Ejectments on which issued out of the Inferior Court of Common Pleas for the County of Albany, whereupon they also submitted, and desired the Deponent to give them Leases of Part of the said Lands, which this Deponent consented to, gave them Permission to remain on the Lands, acknowledging him to be their Landlord, until it was convenient for him to return and give them leases in form; that for some Time past there has prevailed in that part of the Country, a Spirit of Disorder and Licentiousness in Opposition to the Justice of this Province, among numbers of People who have seated themselves on the Lands granted by the Province of New York, to the reduced officers and others, some claiming the same Lands under New Hampshire, and others without any such Pretence of Claim, who are supported in such their Proceedings by a Combination formed for the support of themselves, and every Person indiscriminately who will settle any of those Lands in Opposition to the Titles granted under the Province of New York, and for the Prevention of any Settlements to be made in that Part of the Province of New York under Letters Patent granted in the said Province: That for this Purpose they have formed themselves into small Companies, under Leaders whom they call Captains, who frequently make Excursions in that Country for Discovery of Settlers under his Majesty's Grants issued under his Great Seal of New York, and to dispossess such Settlers: That this Deponent having heard that several new Intruders had got upon his Lands above mentioned, and that they as well as the former Settlers there had declared they would hold the Deponent's said Lands from him by Force of Arms, This Deponent in the Month of September last [1772] visited his said Lands, in order to secure his said Property, and to give the said Settlers thereon Leases, if they would accept of the same, carrying up with him Declarations in Ejectment to serve on them if he should find the same necessary. That upon the Deponent's Arrival at his said Lands, the settlers thereon and the others, collected together in a Body about thirteen in Number, when the Deponent offered those who had settled on his Lands, Leases, which they absolutely refused to accept upon any Terms whatsoever, but declared they would support themselves there by Force of Arms, and that they would spill their Blood before they would leave the said Lands; whereupon the Deponent proceeded to serve two Declarations of Ejectment on two principal Ring-leaders, and thereupon some of their Party presented their Firelocks at the Deponent, declaring it should be Death for any Man that served a Declaration of Ejectment there, but the Deponent being well armed with Pistols proceeded to serve the said Ejectments, notwithstanding they continued their Firelocks presented against him during the whole Time; that after the Deponent had served the said Ejectments, they declared with

He became Major General of Connecticut militia, and in defending the continental stores at Danby, Conn., April 27, 1777, he received a wound, of which he died on the 2d of the succeeding May.—*Drake's Dictionary of American Biography*. See *Governor and Council*, Vol. II, p. 200; and Vol. v, p. 544.

one Voice that they would not attend any Court in the Province of New York, nor would be concluded by any Law of New York respecting their Lands, and asked the Deponent how he would get Possession after he had got Judgments against them, who replied that he should bring the High Sheriff to put him in Possession, to which they replied they would suffer no Sheriff to come upon the Ground, to which the Deponent replied, that if they resisted the Civil Officer, he would apply for the Assistance of the Regular Troops which were hard by, as it was their Duty to assist the Civil Authority, and that it was High Treason for them to fire on his Majesty's Troops, to which they answered that if his Majesty's Troops came to assist the Civil Officer to put any Man in Possession there, they should have hundreds of Guns fired at them, and that they further said, it was the universal Agreement of the People in that Country, as the Deponent understood in its whole extent from North to South, to defend themselves by Force of Arms, in opposition to every attempt in support of the Titles to Lands there under the Province of New York, and that they could raise Multitudes of Men for that Purpose, sometimes mentioning a thousand, sometimes two thousand, and sometimes five hundred Men; That notwithstanding their Declarations and Menaces, this Deponent is fully satisfied, that he could reduce them to due Order all over the Country with fifty Men, and this Deponent further saith, that one of the Settlers on his said Land expressing a willingness to submit, and to take a Lease from this Deponent, was threatened by the rest of the Company, that if he did, or acknowledged this Deponent to be his Landlord, his House should be burnt over his Head before the next Morning, and he also if he did not fly, though this Deponent declares they acknowledged they had no Right to that Part of the Land, but they insisted that no Person should hold any Land there under any New York Title.

DAVID WOOSTER.

Sworn to this 20<sup>th</sup> Day of February, 1773. Before me,

DANIEL HORSMANDEN.<sup>1</sup>

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THE N. H. GRANTS PROPOSED TO BE ERECTED INTO A NEW GOVERNMENT—1769.

*Clergy of Connecticut to Sir William Johnson, Bart., recommending Partridge Thatcher, Esq., as first Governor of the N. H. Grants.*

NEW HAVEN [Conn.] 14 Sep<sup>r</sup> 1769.

May it please your Excellency. Whereas it has been expected, that the Lands to the Westward of Connecticut River, which were granted by Benning Wentworth Esquire late Governor of New Hampshire, (in which the Society for propagating the Gospel &<sup>ca</sup> have considerable Interest) would be erected into a New Government and considerable Interest has been made in Favour of Partridge Thatcher Esq<sup>r</sup> the Bearer hereof, that he might be made the first Governor thereof, and Application being made to this Convention in May last, to interest themselves in this Gentleman's Favour, we (knowing his Worth, and firm Attachment to the present Establishment both in Church and State) did then

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<sup>1</sup> *Documentary History of New York*, Vol. 4, p. 500. It is worth noting that, in less than three years from the date of the foregoing affidavit, Gen. Wooster called upon the very men, of whom he so contemptuously spoke, for aid against the British in Canada.—See *Governor and Council*, Vol. v, p. 544.

write to the Society requesting their Interest with Administration in his Favour, should said Lands be erected into a Government.

We now therefore ask your Interest to promote said Design should you in your Wisdom think proper. We are, may it please your Excellency, Your Excellency's most obedient And most humble Servants

|  |   |                   |                    |
|--|---|-------------------|--------------------|
| Missionaries to<br>the honorable<br>Society for the<br>Propagation of<br>the Gospel in<br>Foreign parts. | { | EBENEZER DIBBLEE  | RICHARD MANSFIELD  |
|  |   | JOSEPH LAMSON,    | CHRISTOPHER NEWTON |
|  |   | EBENEZER KNEELAND | JAMES SCOVIL       |
|  |   | RICHARD CLARKE    | SAMUEL ANDREWS     |
|  |   |                   | BELA HUBBARD       |
|  |   | JOHN TYLER        |                    |
|  |   | SOLOMON PALMER.   |                    |

To His Excellency Sir William Johnson Bar<sup>t</sup><sup>1</sup>

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*Order of the Gov.<sup>rs</sup> of the N. Y. [King's] College for the settlement of their Township of Kingsland, [now Washington, Vermont.]-1772.*

At a meeting of the Governors of King's College in the City of New York on Monday the 17<sup>th</sup> Day of February 1772 at the House of Richard Hull.

PRESENT

|  |                               |
|--|-------------------------------|
| M <sup>r</sup> Attorney General                | M <sup>r</sup> Lispenard      |
| M <sup>r</sup> Mayor                           | M <sup>r</sup> Duane          |
| The Sen <sup>r</sup> Mins. of the Dutch Church | Lord Stirling                 |
| M <sup>r</sup> Henry Cruger                    | M <sup>r</sup> Jones          |
| Coll <sup>o</sup> Philipse                     | Coll <sup>o</sup> Morris      |
| M <sup>r</sup> Livingston                      | M <sup>r</sup> Banyar         |
| M <sup>r</sup> Clarkson                        | M <sup>r</sup> William Walton |
| The Min. of the Lutheran Church                | M <sup>r</sup> Inglis         |

Whereas it has been represented to this Board that the former Encouragement given by this Corporation for the settlement of the Township of Kingsland has proved insufficient to answer the purpose Entended, and the same being now duly weighed and Considered This Board do therefore unanimously Resolve—First that an actual survey be made of the whole Tract, and one thousand acres thereof be laid out into square Lotts of Ten acres each for a Town Spott, the Centre Lott of which shall forever remain an open square or green. Secondly, that the said Lotts be divided by streets of one chain wide except the two main Streets to be run in right angles through the middle of the said Town and Centre Lott which are to be laid out one Chain and an half wide and to extend in direct courses through the whole Town plot dividing equally those Lotts through which they pass. Thirdly, That the Re-

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<sup>1</sup> *Documentary History of New York*, Vol. 4, p. 378. The king's prohibition of grants by New York, in the territory bordering on the west bank of Connecticut river, was issued July 24, 1767, partly on the petition of the Society for the Propagation of the Gospel in foreign parts. The above letter indicates that the formation of the New Hampshire Grants into a government, independent of both New Hampshire and New York, had been considered. The inhabitants of the Grants improved upon that scheme by organizing a State independent of everybody.

mainder of the Tract be also divided into Lotts of one thousand acres each, the courses of which to be well ascertained and described in such manner that each Lott may be thereby sub-divided into Lotts of one hundred acres as occasion may require and a full and perfect description be given of the Quality of each Lott and the Streams and places fit for Water works be also laid down and fully described. Also that in dividing and laying out the said Tract regard be had to the Main Streets of the said Town Plott. Fourthly, That the Corporation will give and Grant in Fee Simple to the first twelve settlers that shall go and settle on the said Tract of Land any one of the said Ten acre Lotts and also one hundred acres of Land any where out of the said Town plott for a farm, to be located by Lines at right angles on Condition that they build on the Town Lotts and actually inhabit there within Two years from the Twenty-fifth day of March next. Also that one of the Ten Acre Lotts be given a minister of the gospel besides the one hundred Acres formerly promised for a Glebe.

Ordered that Mr Duane, Mr Banyar, Mr Kempe, Mr Hicks & Mr William Walton or any three or more of them be a Committee to carry the above Resolves into Execution and that they have power to Treat and agree with the said Twelve Settlers and Such others as shall incline to Settle on the said Tract, and to take such Securities as they can best obtain for the speedy Settlement of the said Town Lotts, and also to Draw on the Treasurer of this Corporation from time to time for such sums as may be necessary to complete the said Survey and Division.

Ordered that the small Lotts fronting upon the Center Square be reserved to be hereafter appropriated for such publick buildings as this Corporation shall think fit, and that the above Committee have also power to lay out two of the said Lotts for a Church and Court House if they shall find it proper.

LAMBT MOORE, *Secretary*.<sup>1</sup>

A true copy.

About half a century after this meeting, the editor of these volumes, then a lad, with his father passed over the height in Washington which probably divides the waters flowing into Lake Champlain and Connecticut river, and near the summit a log building was pointed out to him as the court-house and jail of Gloucester County, as it was called under New York. The fact is impressed upon the memory by the circumstance that John Taplin, a venerable gentleman then living in the immediate vicinity of Montpelier, held a commission under king George the third as Sheriff of Gloucester County. It is by no means singular that the corporators of King's College contemplated a considerable town upon one of the highlands of Vermont—an admirable position in summer, and not unendurable though severe in winter. The fashion was in those times to seek the highlands for all the villages, as the valleys on the margins of the streams were wet and impracticable. Thus the late Elijah Paine sought to fix the University of Vermont in Williamstown, doubtless on his own location, as high as the contemplated town in Washington. But, in later times, the villages all ran into the valleys, and it is perhaps by no means unfortunate that the scheme of a large town on the heights of Washington, once Kingsland, was a failure.

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<sup>1</sup> *Documentary History of New York*, Vol. 4, p. 466.

*Memorandum of Townships formerly Granted under New Hampshire and since confirmed by Letters Patent under the Great Seal of the Province of New York.—1772.*

|                |                    |
|----------------|--------------------|
| Brattleborough | Reading            |
| New Fane       | Woodstock          |
| Putney         | Saltash [Plymouth] |
| Westminster    | Cavendish          |
| Chester        | Newbury            |
| Springfield    | Corinth            |
| Hartford       | Weathersfield      |
| Windsor        |                    |

Townships for which Confirmations have not issued altho long since advised to be granted:

|                     |                     |
|---------------------|---------------------|
| Halifax             | Bernard [Barnard]   |
| Fullum [Dummerston] | Tomlinson [Grafton] |
| Thetford            | Winhall             |
| Fairly              | Wallingford         |
| Barnet              | Bridgewater         |
| Stockbridge         | Sharon              |

List of Townships formerly granted by New Hampshire for which applications have been made by petitions to the Government of New York praying Confirmations of the Said Townships under the Seal of Province of New York and which petitions were on the 15<sup>th</sup> Day of June 1772 advised to be granted *whenever his Majesty's Instructions will permit Grants to be made of said Townships:*

|                      |                                     |
|----------------------|-------------------------------------|
| Guilford             | Tunbridge                           |
| Wilmington or Draper | Limington [Lemington]               |
| Marlborough          | Averill                             |
| Ludlow               | Maidstone                           |
| Rockingham           | Norwich                             |
| New Stamford         | Lunenburg                           |
| Winehead [Minehead]  | Andover                             |
| Strafford            | Pomfret                             |
| Ryegate              | Stratton                            |
| Peacham              | Shewsbury [Shrewsbury] <sup>1</sup> |
| Topsham              |                                     |

The words above in *Italic* indicate that the New York government in 1772 construed the order of the king to mean that New York was to issue no grants in what is now Vermont, not even in confirmation of Gov. Wentworth's grants, which the king's order was clearly intended to protect. Nevertheless, some of the governors of New York were not so scrupulous in respecting the order of the king in other cases.

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CAPTURE OF TICONDEROGA AND CROWN POINT—1775.

*Lt. Gov. Colden to Lord Dartmouth.—Extract.*

NEW YORK, 7 June, 1775.

While these transactions engrossed the attention of the City [of New York] a matter of greater importance was carried on in the Northern

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<sup>1</sup> *Documentary History of New York*, Vol. 4, p. 477.

part of this Province. No less than the actual taking of His Majesty's Forts at Ticonderoga and Crown Point, and making the Garrison Prisoners. I have not any account my Lord of this affair, but what I have collected from the current Reports, for all intelligence to Government thro' the Country is effectually cut off. The only people of this Province who had any hand in this expedition were that set of lawless people whom your Lordship has heard much of under the name of the Bennington Mob. They were joined by a party from Connecticut and another from Massachusetts Bay. They surprized the Garrison and took the Fort without opposition. The prisoners are carried into Connecticut. These people advanced across a lake as far as St. Johns, took a Vessel there and destroyed a number of Boats and some Store Houses. This will retard the operations which Governor Carleton will probably undertake on this occasion. He alone has it in his power to do any thing in that quarter and I hope he may have an opportunity of severely retaliating this wanton Act of Treason.<sup>1</sup>

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*Patriotic Letter of Ethan Allen to the Provincial Congress of New York.*

TICONDEROGA, 20<sup>th</sup> July 1775.

Respectable Gentlemen—When I reflect on the unhappy controversy which has many years subsisted between the government of New York and the settlements on the New Hampshire Grants, and also contemplate on the friendship and union that hath lately taken place between the government and these its former discontented subjects, in making a united resistance against ministerial vengeance and slavery, I cannot but indulge fond hopes of reconciliation. To promote this salutary end, I shall contribute my influence, assuring your Honours, that your respectful treatment not only to Mr. Worner [Seth Warner] and myself, but to the Green Mountain Boys in general, in forming them into a battalion, are by them duly regarded, and I will be responsible that they will retaliate this favour by wholly hazarding their lives, if need be, in the common cause of America.

I hope no gentlemen in the Congress will retain any preconceived prejudice against me, as on my part I shall not against any of them; but as soon as opportunity may permit, and the public cause not suffer thereby, shall hold myself in readiness to settle all former disputes and grievances on honorable terms. I am, gentlemen, with the greatest respect,  
Your devoted, most obedient humble serv<sup>t</sup>

ETHAN ALLEN.

To the Honble Provincial Congress, New York.<sup>2</sup>

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*Convention at Dorset, Sept. 21, 1775.*

To the Honor<sup>l</sup> Members of the Provincial Congress [of New York:]  
Gentlemen: Having received the Resolves relating to the Rules and

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<sup>1</sup> *Documentary History of New York*, Vol. 4, p. 563.

<sup>2</sup> *Documentary History of New York*, Vol. 4, p. 554. The allusion in this letter is to the reception of Allen and Warner, a few days previous to the date of the letter, by the New York Provisional Congress, by which body Warner was appointed Lieutenant Colonel on the 1st of September, 1775.

Orders for Regulating the Militia in this Colony, we thought proper to carry it into Execution with all Convenient Speed, and ordered a meeting of the [Charlotte] County Committee Immediately.

There being a Contention of part of this County in regard to Title of Land, (the New Hampshire Grants,) *And it was thought proper by the Committees on the Grants* to divide the County into two Parts, as they Do not Choose to joyn the other part of the County; which was agreed to by the other Committees: And Each part of the County to form One Regiment, and Recommend their Field Officers to you, desiring you will remit their commissions with all Convenient Speed, so that the Regiment may be formed as soon as Possible, In Case any Incursions may be made from Canada, as we are much Exposed to that Country.

The following Gentlemen we recommend for Commissions, they being Friends to the Present Cause and have signed the General Association:

|   |                                    |
|---|------------------------------------|
| Dr. John Williams, <sup>1</sup> Colonel,  | Platt Smith, Esq. Lieut. Col.,     |
| Messrs. Nathan Hawley and                 | Mr. John Jones, Adjutant,          |
| Hamilton M <sup>c</sup> Colister, Majors, | Mr. Seth Sherwood, Quarter Master. |

Likewise the names of the inferior officers in each district:

*District of White Creek:*

|   |                                      |
|---|--------------------------------------|
| Ebenezer Clark, Esq., Captain,              | Edward Savage, 2d Lieut.,            |
| Charles Hutchinson, 1 <sup>st</sup> Lieut., | Daniel M <sup>c</sup> Clary, Ensign. |

*Argyle:*

|   |   |
|---|---|
| Alex <sup>r</sup> Campbell, Capt.,              | Peter Gilchrist, 2 <sup>d</sup> Lieut., |
| Sam <sup>l</sup> Paine, 1 <sup>st</sup> Lieut., | John M <sup>c</sup> Dougall, Ensign.    |

*Scheensburgh [Whitehall] District.*

|                                      |                           |
|--------------------------------------|---------------------------|
| Jerem <sup>b</sup> Burroughs, Capt., | Elisha Tousea, 2d Lieut., |
| Levi Stockwell, 1st Lieut.,          | Silas Granger, Ensign.    |

*Black Creek District:*

|  |  |
|--|--|
| Alex <sup>r</sup> Webster, Capt.,      | George M <sup>c</sup> Knight, 2d Lieut., |
| John Hamilton, 1 <sup>st</sup> Lieut., | Samuel Crosett, Ensign.                  |

*Kingsbury District.*

|   |                                       |
|---|---------------------------------------|
| Asa Richardson, Capt.,                  | Nehem <sup>b</sup> Sealey, 2d Lieut., |
| Adiel Sherwood, 1 <sup>st</sup> Lieut., | Samuel Harris, Ensign.                |

Signed by order of Committee, SETH SHERWOOD, *Chairman.*

County Charlotte, Dorsett, 21st Sept. 1775.

Commissions issued Sept. 29th, 1775.

In addition to the foregoing, warrants were issued on the 29th of June to Joseph M<sup>c</sup>Cracken, Capt., Moses Martin, 1st Lieut., John Barnes, 2d Lieut.<sup>2</sup>

<sup>1</sup> See *ante*, p. 303.

<sup>2</sup> Dr. A. W. Holden's *History of Queensbury, N. Y.*, copied from the *Calendar of N. Y. Hist. Mss., Revolutionary Papers*, Vol. 1, pp. 106 and 148. The foregoing is given not only because the Convention, though providing for New York officers, was holden in Vermont, but also because the record shows that there was a patriotic agreement between the Green Mountain Boys and their New York neighbors to co-operate in the war of the Revolution.



*Declaration of a Convention held at Dorset, Sept. 25, 1775.*

At a General Convention of 56 Delegates on the new hampshire Grants on the East and west the Range of Green mountains Representing 36 Towns on s<sup>d</sup> Grants held at Dorset the 25<sup>th</sup> day Septem<sup>r</sup> by adjournment *whereas* this Convention have for a serious [series] of Years had under there particular Consideration the disingenuous Conduct of the former Colony now State of N York towards the Inhabitants of that District of Land Commonly caulled and known by the name of the N Hampshire Grants the seaveral Illegual unjustifiable and unwarrantable meashures they have taken to Deprive by frawd Viollance and oppression those inhabitants of thire property and in particular thire Landed Intrest and as this Convention have Reason to Expect a Continuance of the same kind of Disingenuaty unless some meashures Effectual be taken to form the s<sup>d</sup> District a Seperate and Distinct one from N. York and whereas it at preasent appears to this Convention that for the foregoing Reasons to Geather with the distant of Rode which Lies between this Distruct and N. York that it will be very inconvenient for those Inhabitants to associate or Connect with them for the time being Directly or Indirectly therefore this Convention being fully Convinced that it is Necessary that Every Individual in the Unighted States of America should Exart them selves to serve to their utmost ability in the difence of the Liberties thereof and that this Convention may the better satisfy the public of there punctuall attachment to the s<sup>d</sup> Common Cause at present as well as heartaffore we do make and subscribe the following viz.

Wee the Subscribers Inhabitants of that District of Land Commonly Caulled and known by the name of the N hampshire Grants being leaguely Diligated and Orthorised to Transat the public and political affairs of the affore s<sup>d</sup> District of Land for ourselves and Constituants do solemnly Covenant and Ingage that for the time being we will Strictly and Religiously adheare to the Several Resolves passed in this or a future Convention Constituted on s<sup>d</sup> District by the free voice of the friends to American Liberties that shall not be Repugnant to the Resolves of the Honourable Continental Congress Relative to the General Cause of America.

David Vallance  
Sam<sup>l</sup> Benton  
Ira Allen  
John Manly  
Abraham Underhill  
Willm Gage  
Martin powell  
Ruben Harmon  
Nathan Clark  
Benjamin Carpenter  
Timothy Brunson  
Heman Allen  
Timothy Barker  
Willm Ward  
Thoms Tuttle  
Ebenr Hoisington  
Abraham Ives  
Nathl Robinson  
Ruben Jones  
Seth Warner

John Gaill  
Gideon Omesby [Ormsby]  
James Meed  
Jonas Fay  
Edward Akin  
Joseph Bradly  
Elisha Clark  
Zekious Mallery  
John Burnham jr.  
Nemiah Howe  
Francis Whitmore  
Joseph Woodward  
Leonard Spaulding  
Amos Curtice  
Saml Write  
Mickel Dunning [Dunning]  
Moses Robinson  
Abner Sealy  
Obdiah Dunham  
Eben<sup>r</sup> Allen

Mickel Veal  
Jerimiah Clark  
Samuel Bradley

Saml Safford  
Willm Fitch<sup>1</sup>

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*Remonstrance against Congress authorizing Cols. Allen and Warner to raise Troops independent of New York—probably 1776.*

Sir—I beg leave to mention to you that it is here [Albany or New York city] asserted and generally believed, that Congress have authorized a Colo. Warner and certain other officers to raise a regiment in this State, at least without the intervention of the State. This measure has given anxiety and disgust to several of the first characters in the State who have risked both their lives and fortunes in its defence. If such a regiment was necessary, men worthy of confidence might have been found to raise it with at least equal success.

It is believed, sir, by some, that there are designs, of individuals at least, to dismember this State. The appointments above mentioned, if such there are, may tend to this end. This State is of great importance in the present war;<sup>2</sup> without the aid of this State, or even of the county of Albany (exclusive of every other part of it,) the war could not be supported with less than double the present expense, if it could be supported at any rate. The State will not submit to be dismembered; and there are not wanting many respectable characters, both in the Senate and the American army, who intimate that they would rather submit to a Tyrant at 3000 miles distance, than to avaricious or tyrannical neighbours.

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<sup>1</sup> *Documentary History of New York*, Vol. 4, p. 554. The editor of this volume has been strongly tempted to assign the foregoing document to 1776, for the reasons that in July and Sept. 1776, according to manuscript copies furnished by Hon. James H. Phelps, similar declarations were adopted by Conventions at Dorset in that year.—See *Governor and Council*, Vol. I, pp. 14-36. Nevertheless the provision for the battalion of Green Mountain Boys at Dorset July 26, 1775, and the complement provided by New Yorkers at Dorset in Sept. 1775, indicate such a co-operation as renders it quite probable that the Green Mountain Boys met at Dorset in Sept. 1775, and agreed to the foregoing declaration. Other circumstances warrant this conclusion: first, the declaration of 1776 was not preceded by the preamble above given; and second, the signatures to the declaration were not the same. It is to be remarked, furthermore, that while the foregoing signatures give the names of nearly all the delegates in the Convention assigned by Mr. Phelps to Dorset, Sept. 25, 1776, the names of four other persons in the foregoing list do not appear as delegates in 1776. On the whole it seems safe to accept the above record as correct—to wit, of a Convention and declaration at Dorset, Sept. 25, 1775.

<sup>2</sup> Certainly true, and yet New York was never, through the whole of the war of the revolution, able to defend herself. Vermont interposed for her defence.

In a confidence, sir, that the sentiments of the people, even from an individual, will not disoblige, I have taken the liberty hastily to mention part of those I have heard, and hope you will receive this private letter with the same friendly intention with which it is wrote. I have the honor to be, With great respect and esteem, sir.<sup>1</sup>

*Report to the New York Committee of Safety, Jan. 20, 1777, [against Col. Seth Warner and his Continental Regiment, and the Independence of Vermont.]*

Your Committee to whom it was referred to consider the State of the Counties of Cloucester Cumberland [in Vermont] and Charlotte [part in Vermont] beg leave to report:

That violent disputes and animosities have arisen and still subsist within the said Counties by Reason of sundry unjust and iniquitous Pretensions anciently set up by the States of Massachusetts and New Hampshire against certain large Tracts of Land within the known Bounds of this State [New York.]

That Sundry Persons have intruded into those Counties by Virtue of Grants and Purchases for trifling Considerations under those States particularly the latter and have taken very large and valuable Tracts within the said Counties.

That divers of those Persons although repeatedly offered Patents for the Lands by them occupied by the late Government of the Colony of New York<sup>2</sup> have obstinately refused to receive the same under Color that the Fees of office and quit Rents were too great, that the Lands did not lie within this State and other frivolous Pretences.

That many wicked disaffected and turbulent Persons for the promotion of their own private Interest and other sinister and base Designs have artfully fomented the said Animosities falsely alledging not only that the said Counties are out of the Bounds of this State but also that this State and the Government thereof are determined to oppress harass and impoverish the Inhabitants of the said Counties and have at Length incited many of them to disown their allegiance to this State.

That Persons of considerable Rank Influence and Authority in the neighbouring States are deeply concerned in the said Designs with a view of dismembring this State and for that Purpose have promulgated a Report that it is the Intention of the honorable the Continental Congress to aid and assist in the Independence of the said Counties.

That such Report hath received great weight and authority from the appointment of Seth Warner to be the Colonel of a Regiment to be raised within that Part of this State and to appoint his own officers independent of this State and utterly contrary to the usual mode of appoint-

<sup>1</sup> *Documentary History of New York*, Vol. 4, p. 556. As the name of the author of this letter is not given, it is not certain whether he had a private grief, as grantee to some Vermont land for which a humble Vermonter had paid the king in full, or was a New York politician, interested in the jurisdiction of the state over Vermont.

<sup>2</sup> On the payment of exorbitant fees after they had already paid the king for their lands.

ment in such cases and also to a Representation made by this Convention of the eleventh Day of July last.<sup>1</sup>

That the said Seth Warner hath been principally concerned in divers Riots Outrages and Cruelties committed in the said Counties in direct opposition to the former Government of this State and is otherwise utterly unfit to command a Regiment in the Continental Service.<sup>2</sup> From which and from sundry other Facts resting within their knowledge the disaffected Persons aforesaid do conclude and affirm that the Congress meant by the said appointment to give direct and ample Testimony of their Intentions to protect them in their wicked and unjust designs aforesaid.

That this Convention hath not only advanced considerable sums of money for the Protection of the said Counties in common with other Parts of this State but also for their immediate and particular Defence at their special Instance and Request.

That the Counties aforesaid are of great Extent and Fertility forming a very considerable and very valuable Part of this State and that therefore it is the Duty of this Convention to take speedy and vigorous measures for reducing them to an obedience to the same.

That other the Inhabitants of this State are greatly and justly alarmed at the Proceedings above ment<sup>3</sup> and are many of them determined rather to submit to the Tyranny of Great Britain than suffer so valuable a Territory to be purloined from them as they do consider the Proceedings with Respect to that Country to be in Consequence of a deep and dangerous Conspiracy against their Rights and Privileges frequently in-

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<sup>1</sup> Warner's continental regiment, consisting mainly it is believed of Green Mountain Boys, was employed almost exclusively in the defence of New York; and yet, to the credit of Vermont it should be recorded, that Vermont, after its organization as a State, paid Warner's men for their services. The United States have never repaid the State for that and other expenditures in the revolutionary war, the plea being that Vermont was not a creditor state in the allotment of war expenses among the several states. The fact was, however, that Vermont was not recognized by the Continental Congress as a state at all, though she was independent after 1777, and not only defended herself from the British, but contributed materially to the success of the general cause, at Ticonderoga, Crown Point, Bennington, and Saratoga. If Vermont had been reckoned as in New Hampshire, she would have been in a creditor state; if as part of New York, in a debtor state to a large amount; but in fact Vermont not only took care of herself, aided by New Hampshire and Massachusetts at Bennington, but contributed substantially to the protection of New York. The rule applied to the other states ought not to have been applied to Vermont under her peculiar circumstances. In any event, if successful services are to be counted at their worth, every one of the original thirteen states owes a debt to Vermont to this day.

<sup>2</sup> Fortunately for Col. Warner, the Continental Congress persisted in an entirely different opinion of his character and military qualifications, keeping him in service for the protection, mainly, of the State that repudiated him.

timated in the earlier Part of the Dispute between Great Britain and America.<sup>1</sup>

That until the commencement of the present Contest with Great Britain the Inhabitants of Gloucester and Cumberland Counties in general submitted to the Jurisdiction of this State many of them obtained confirmations of Title from the late Government and Justice was administered by magistrates of its appointment.

That the Spirit of disaffection hath been now extended to those Counties thro the arts and misrepresentations of certain Inhabitants of the County of Charlotte distinguishing themselves by the name of Green Mountain Boys and others the Emissaries aforesaid.

That the Congress and Conventions of this State have contemplated the Effects of this dangerous Defection with silent Concern being restrained from giving it effectual opposition from an apprehension that it might at so critical a Juncture weaken our Exertions in the common Cause.

That taking advantage of this patient Forbearance and flattered by the strength which they have acquired by being embodied in a Reg<sup>t</sup> under the immediate authority of the hon: Cont<sup>l</sup> Congress in Derogation of the Rights of this State the arrogance and the Presumption of the said Green Mountain Boys and their adherents are become so far inflamed that they have lately excited the Inhabitants of several Towns within those Counties to join with them in assuming a total Independence of this State chewing a mock Convention and framing a Petition to Congress for its sanction and approbation of their wicked and unprovoked Revolt.

That the Loss of so great a Part of this State will not only oppress the Remainder with the Payment of the Enormous Debts which have accrued during the present War but will at every future Period expose it as to be intruded into and overrun, its Jurisdiction to be denied and its authority set at defiance.

From all which your Committee do conclude that it is highly necessary as a preliminary step to the quieting of the aforesaid Disturbances that it be

Resolved therefore that a pressing application be immediately made to the hon the Congress to whose justice the said Insurgents have appealed and on whose advice they pretend to rely requesting them to interpose their authority and recommend to the s<sup>d</sup> Insurgents a peaceable submission to the jurisdiction of this State and also to disband the said Regiment directed to be raised by M<sup>r</sup> Warner as this Convention hath cheerfully and voluntarily undertaken to raise a Regiment in addition to the Quota assigned for this State by Congress have opened their utmost Resources to the wants & necessities of the American Army have a very great proportion of their militia now in the Field & are heartily disposed to contribute to the public service in every Respect as far as the Circumstances and abilities of the State will permit.

All which nevertheless is most humbly submitted.<sup>2</sup>

<sup>1</sup> There were many Tories among the adherents to New York in Vermont, but the Council of Safety of Vermont, and the state government after its organization, made short work with them and theirs.

<sup>2</sup> *Documentary History of New York*, Vol. 4, pp. 557-559.

*Hon. A. Ten Broeck to the President of Congress [against Warner and his Continental regiment, and the Independence of Vermont,—Jan. 20, 1777.]*

Sir, I am directed by the committee of safety of New York, to inform Congress, that by the arts and influence of certain designing men, a part of this state hath been prevailed on to revolt, and disavow the authority of its legislature.

It is our misfortune to be wounded so soon, sensibly, while we are making our utmost exertions in the common cause. The various evidences and informations we have received, would lead us to believe, that persons of great influence in some of our sister states, have fostered and fomented these divisions, in order to dismember this state, at a time when, by the inroads of our common enemy, we were supposed to be incapacitated from defending our just claims: but as these informations tend to accuse some members of your honorable body of being concerned in this scheme, decency obliges us to suspend our belief.

The Congress will, doubtless, remember, that so long ago as in the month of July last, we complained of the great injury done us by appointing officers within this state, without our consent or approbation. We could not then, nor can we now perceive the reason of such disadvantageous discrimination between this state and its neighbors. We have been taught to believe that each of the United States is entitled to equal rights: in what manner the rights of New York have been forfeited we are at a loss to discover. Although we have never received an answer to our last letter on this subject; yet did hope that no fresh ground of complaint would have been offered us.

The Convention are sorry to observe, that by conferring a commission upon Col. Warner, with authority to name the officers of a regiment to be raised independent of the legislature of this state, and within that part which hath lately declared an independence of it, congress hath given but too much weight to the insinuations of those who pretend that your honorable body are determined to support these insurgents; especially as this Col. Warner hath been constantly and invariably opposed to the legislature of this state, and hath been outlawed by the late government thereof. However confiding in the honor and justice of the great council of America, hope that you have been surprised into this measure.

By order of the house, Sir, I enclose you their resolution upon the important subject of this letter: and I'm further to observe, that it is absolutely necessary to recall the commissions given to Col. Warner and the officers under him; as nothing else will do justice to us, and convince these deluded people, that Congress have not been prevailed on to assist in dismembering a state, which, of all others, has suffered most in the common cause. The King of Great Britain hath, by force of arms, taken from us five counties; and an attempt is made, in the midst of our distresses, to purloin from us three other counties.<sup>1</sup> We must consider the persons concerned in such desigus, as open enemies of this state, and, in consequence, of all America. To maintain our jurisdiction over our own subjects is become indispensibly necessary to the authority of the

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<sup>1</sup> Cumberland and Gloucester counties, and part of Charlotte. The last named, however, embraced a large territory west of Lake Champlain, to which the Green Mountain Boys at that time made no claim. The word "purloined" seems to have been misplaced: certainly it was not justly applicable to men who were trying to defend their own property, against New York.

Convention; nor will any thing less silence the plausible arguments by which the disaffected delude our constituents, and alienate them from the common cause.

On the success of our efforts in this respect, depends, too probably, even the power of the convention. It is become a common remark in the mouths of our most zealous friends, that if the state is to be rent asunder, and its jurisdiction subverted, to gratify its deluded and disorderly subjects, it is folly to hazard their lives and fortunes in a contest which, in every event, must terminate in their ruin. I have the honour to be, with great respect, your most obedient and very humble servant,

(By order,)

A. TEN BROECK, P.

Jan. 20 1777.

Hon. JOHN HANCOCK, Esq. President &c.<sup>1</sup>

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*Hon. A. Ten Broeck to the President of Congress.*

March 1<sup>st</sup> 1777.

Sir,—The enclosed letters and resolutions were proposed some time since, but for reason with which you need not be troubled, were delayed—some late proceedings of the disaffected within this state, occasions their now being transmitted.

I am directed to inform you, that the convention are engaged in establishing a firm and permanent system of government. When this important business is accomplished, they will dispatch a satisfactory state of their boundaries, and the principles on which they are founded, for the information of Congress. In the meantime, they depend upon the justice of your honorable house, in adopting every wise and salutary expedient to suppress the mischiefs that must ensue in this state and the general confederacy, from the unjust and pernicious project of such of the inhabitants of New York as, merely, from selfish and interested motives, have fomented this dangerous insurrection. The Congress may be assured, that the spirit of defection, notwithstanding all the arts and violence of the seducers, is, by no means general. The county of Gloucester, and a very great part of Cumberland and Charlotte counties, continue steadfast in their allegiance to this government. Brigadier Gen. Bayley's letter, a copy of which is inclosed, will be a sufficient proof of the temper of the people of Gloucester county. Charlotte and Cumberland continue to be represented in convention, and, from very late information, we learn, that out of eighty members which were expected to attend the mock convention of the deluded subjects of this state, twenty only attended.<sup>2</sup>

We are informed by good authority, that Col. Warner was directed by the general to send forward his men, as he should enlist them, to Tyconderoga; notwithstanding which, it appeared, by a return from thence, not long since, that only twenty four privates had reached that post; nor is there the least prospect of his raising a number of men which can be an object of public concern—though instead of confining himself to the

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<sup>1</sup> *Documentary History of New York*, Vol. 4, pp. 559-'60.

<sup>2</sup> In the convention at Westminster, Jan. 15, 1777, which declared the independence of Vermont, nineteen towns were represented—three of them by letter. The number of delegates present was twenty-two.—See *Governor and Council*, Vol. 1, pp. 38-51.

Green Mountain, as we understand was the intention of the honourable Congress, he has had the advantages of recruiting in Albany and other places.<sup>1</sup>

The convention beg to know what pay the honourable Congress have allowed for the officers and privates of the troops of horse, who were employed in the last campaign, in the service of the United States. I have the honour to be, with great respect, Sir, your most obedient Servant,  
(By order,) A. TEN BROECK, P.

Hon. JOHN HANCOCK, Esq. President, &c.

The letter of Gen. Bayley referred to is given in *Governor and Council*, Vol. I, p. 373. It is quite incoherent, due doubtless somewhat to the incapacity of the copyist to decipher it. Gen. Bayley could plow and fight better than he could write. The fact was, and the letter proves it, that he was quite undecided what course to take. Finally he joined Vermont, and served it in the field and in the Council.—See *Documentary History of New York*, Vol. 4, pp. 560–561.

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*Declaration by the People of Brattleborough, of their allegiance to the State of New York—April 25, 1777.<sup>2</sup>*

BRATTLEBOROUGH, April 25 1777.

To Israel Smith Esqr of Brattleborough in the County of Cumberland and State of New York. You being appointed by this Town, to Represent the Different [difficult] Circumstances this Town is Under by means of the Factions which Prevails in this and the Neighboring Counties—We the Subscribers being appointed a Committee for the Purpose of Giving you instructions—do instruct you as Followeth, (viz) that you Represent that a Number of Persons Calling them Selves the Representatives of the County in Conjunction with those Call'd the Green Mountain Boys met at Westminster in January Last and Declared the Land known by the Name of the Newhampshire Grants a Seperate independent State—that Not half the Towns in this County were Represented in this meeting<sup>3</sup>—that all the People in this Town are Loyal to

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<sup>1</sup> This at least attests the zeal and patriotism of Col. Warner. Perhaps he would have been more successful but for the jealousy and hostility of New York. Of course the rolls show that he was far more successful than he is credited for in this letter.

<sup>2</sup> This document is given as an introduction to the report that follows it; and the report because of the conclusive proof it affords of the inconveniences of New York jurisdiction, and particularly the distressing burden of the New York system of quit-rents, saying nothing of excessive fees, upon the lessees of lands. The title in fee under the New Hampshire grants, at a moderate price, is strongly in contrast.

<sup>3</sup> At the meeting of the Cumberland County Committee of Safety, Nov. 5–9, 1776, sixteen towns only were represented, while at the meeting at Westminster, Jan. 15, 1777, which declared the independence of Vermont, ten Cumberland County towns were represented by delegates



the State of New York and think themselves in duty Bound to Put in Execution all orders of the Continental and this State Congress—and that it is the opinion of this Committee that the Greater Part of the People in the County who own Property are so—that these Factions are Carried so high in Some Parts of the County it is dangerous speaking against a New State—that you inform the Convention of the many Difficulties that have subsisted in this County some years back.

OBADIAH WELLS  
SETH SMITH  
SAMLL WARRENER  
JAMES BLAKESLEE  
JOHN GRIFFIN

(Endorsed) Instructions for Israel Smith Esq their Representative.

*Report to the New York Provisional Congress on the New Hampshire Grants eca.—May, 1777.*

Your Committee directed to confer with Israel Smith<sup>1</sup> agent from the Township of Brattleborough beg leave to report,

That the said Israel Smith hath informed your Committee that the Township of Brattleborough aforesaid labours under many Inconveniencies and Disadvantages some of which are common to the Counties of Cumberland Gloucester & Charlotte [the whole of Vermont, and more,] others peculiar to some of the Inhabitants of the first of the said Counties and particularly the Township aforesaid—

Among the former kind the first in order is the uncertainty of Titles to Land within the said Counties arising from the Peculiarities of their first Settlement & Cultivation too numerous to recite in this Report. By reason of which uncertainty, unless some mode is adopted by the Legislature for the quieting of Titles many of the honest Inhabitants of the said Counties must be ruined by legal Contests with each other.

The second is the Defect of Title under this State which in some instances could not be obtained from the former Government by Reason of prior Grants and other Circumstances which it may not be proper to mention and which in other Instances was attended with such enormous Expence as to deter many who would otherwise have exerted themselves to procure it. An Evil which cannot be fully obviated but by some general act for the Confirmation of Lands within the said Counties.

The third general Inconvenience complained of is the Distance of the

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and three by letter. All but six of the towns represented in the Westminster Convention were from Cumberland County, so that it may with truth be claimed that Cumberland County declared the independence of Vermont.—See *Governor and Council*, Vol. i, pp. 39 and 357.

<sup>1</sup> B. H. Hall, probably erroneously, identified this gentleman with Governor Israel Smith of Rupert and Rutland. Israel Smith of Brattleborough was appointed by New York an assistant justice of the inferior court of common pleas March 17, 1770, and probably is the person mentioned above. The editor of these volumes made the same mistake, as did Mr. Hall, in the index to Vol. i, p. 549. "Lt. Israel Smith" represented Brattleborough in the Convention at Windsor of June 4, 1777, and may have been a relative of Judge Israel Smith of Brattleborough. It is also probable that Israel Smith, a prominent citizen of Thetford, was still another person of the same name.

said Counties from the former Seat of Government. By reason whereof the obtaining of Justice is on the one Hand rendered laborious tedious and expensive to the Inhabitants and on the other the Influence of the said Government over such Inhabitants is weak and dissipated. From whence results a want of Energy & vigor in the administration to the great Encouragement of the lawless and wicked & to the utter Distress and Ruin of all loyal, peaceable and good subjects. But

The fourth general Inconvenience and which furnishes the broadest Ground of Clamor and Complaint is the Exaction of heavy Quit Rents for the Lands within the said Counties which they consider as an Innovation upon the Rights of Mankind for whose use such Lands were given by a bountiful Providence without reservation and which ought not in their opinion to be charged with Taxes other than for the general Support & Defence of the State and Government. Besides this they observe that the Regulation is extremely Partial since thereby Lands of the greatest value both as to Quality & Situation pay no Part of a Tax which falls heavy upon the Possessors of a rough or even mountainous Country remote from the means of obtaining large supplies of money for discharging this unequal and of Consequence inequitable Impost. And to this they add that such Quit Rents generally fall heavy upon the poor man who purchases a small Farm and who is burthened not only with paying all the arrearages due upon it but liable to be turned out and have his Property sold by the Laws of this State to pay the Quits of a large Patent in which he hath no other Interest than by having purchased a small Part.

The particular Inconveniencies and Disadvantages complained of by the said Township are that by the steady attachment of the Inhabitants thereof to this State and their unwearied opposition to the Independency claimed by sundry evil minded Persons in the said Counties the said Inhabitants are not only become odious to some of their neighbours but from the Indolence or Disaffection of their militia officers incapable of Exerting themselves against the common Enemy they having never yet been called out upon any alarm altho as well from their zeal as their Propinquity to Ticonderoga they might be of great utility whenever the Enemy shall think proper to make an attempt upon that Fortress or its vicinage. They are also much distressed for want of arms and feel themselves under great streights on account of the Tories who cannot now be dealt with. For altho by the late Resolutions of this Convention the said Israel Smith is of opinion that new and more spirited measures will be taken against them yet from the distracted state of the said County it may be impracticable to collect a County Committee for Defect whereof the said Resolutions may become ineffectual altho perfectly consonant to the Wishes & Desires of the People.<sup>1</sup>

Upon which said Conference your Committee are of opinion that the *Quieting* or *Confirmation* of Titles would be inefficacious before the authority of this State is fully acknowledged within the said Counties at which Time the Equity of Government will doubtless upon the *application* of its good subjects grant every Relief which the nature of the Case

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<sup>1</sup> The Council of Safety of Cumberland County continued its sessions from time to time until Sept 3, 1777, when only seven of the twenty-one townships were represented. The other townships, for the most part certainly, had joined the new State of Vermont, which did not neglect the suppression of the Tories.—See *Governor and Council*, Vol. 1, p. 136; and index, title "Tories," and pp. 361-367.

will admit of<sup>1</sup> That the Distance from the Seat of Government which is one Ground of Complaint would not long continue were the whole Power of the State to be confined to such Parts of it as are now settled but must certainly depend under our free and equal Constitution upon the Part which those Counties may take and the weight which they may easily acquire in the Legislature. That as to the Complaints on the Score of Quit Rents your Committee are of opinion that the Resolution which is already before the House upon that subject will be productive of those Effects which they seem to desire.<sup>2</sup> That the furnishing the said Inhabitants with arms is in the opinion of your Committee utterly impracticable of which their said agent may be informed. That the odium which they have incurred from their attachment to this State is an Evil which cannot otherwise be remedied than by a Change in the opinions of the Inhabitants of the said Counties an Event which in the opinion of your Committee will take Place as soon as they shall be convinced of their true Interests. Upon the Remainder of the said Representation your Committee submit the following Resolutions.

1<sup>st</sup> Whereas it hath been represented to this Convention that divers of the Inhabitants of the County of Cumberland who are desirous of continuing the Subjects of this State, are from divers Reasons incapable of exerting themselves in the general Defence particularly from the want of proper officers therefore Resolved that it be recommended to such Inhabitants to associate as follows to wit. "We the Subscribers Subjects of the State of New York do associate together for the Defence of the united States against the King of Great Britain as follows First we will chuse our officers by vote of the Majority in each respective Company or Regiment. Secondly we will obey such our officers as other the militia of the said State. Thirdly the names of the said officers shall be transmitted to the Government of the said State and to the General in the Northern Department Lastly that this association shall continue in force until revoked by proper authority."

2<sup>d</sup> Whereas it hath been suggested to this Convention that the County Committee of the County of Cumberland cannot be collected together but with great Difficulty, Resolved that any Committee chosen by the Inhabitants of three or more adjoining Townships within the said County may exercise the Powers mentioned in the Resolution of the Instant.

All which is humbly submitted.

This report was bro't in & read May 10<sup>th</sup> 1777 & ordered to lie on the Table excepting the two Resolutions marked N<sup>o</sup> 1 & 2 which were agreed to & passed.<sup>3</sup>

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<sup>1</sup> "Or what man is there of you, whom if his son ask bread, will he give him a stone?"

<sup>2</sup> It does not appear what this resolution was, but, on the 8th of May, 1777, the New York Convention adopted a state constitution, which annulled the New Hampshire Grants, whenever they conflicted with New York grants, and "recognized the hateful annual *quit-rent* as a permanent source of revenue for the support of the state government."—See Hiland Hall's *Early History of Vermont*, p. 246.

<sup>3</sup> *Documentary History of New York*, Vol. 4, pp. 564-'66.

*Gen. Jacob Bayley to the New York Council of Safety—Extract.*

The effect of the constitution of New York upon the people of the New Hampshire Grants was emphatically set forth, as follows :

NEWBURY, 14<sup>th</sup> June, 1777.

Gentlemen: I acknowledge the receipt of an ordinance from you for the election of governor, lieutenant governor and senators and representatives for the state of New York, by the hand of Mr. Wallace. The sheriff and committee [of safety] gave the proper orders, but I am apt to think our people will not choose any members to sit in the state of New York. The people [of Gloucester County] before they saw the constitution were not willing to trouble themselves about a separation from the state of New York, but now almost to a man they are violent for it.  
\* \* \* I am gentlemen, etc.,

JACOB BAYLEY.

To the Council of Safety, Kingston.<sup>1</sup>

*Final Meeting of the Council of Safety of Cumberland County, Sept. 3, 1777.*

In the *Governor and Council*, Vol. 1, pp. 317-367, the records of the Council of Safety for Cumberland County were printed from the *Pingry Papers*, which were in the main the papers of Simon Stevens of Springfield. The last meeting recorded was at Westminster Sept. 3, 1777, which adjourned to the second Tuesday of November following. It was supposed that this was the last meeting of the Committee; but it seems that on the same day the Committee reassembled and transacted the following business, of which Mr. Stevens, who was present, took no note, or his record was not preserved with the other papers.

WESTMINSTER Sept'y<sup>e</sup> 3<sup>d</sup> 1777.

In less than an hour after the County Committee had adjourned the Chairman Cap<sup>t</sup> James Clay came in order to attend his Duty, and Mr Obadiah Wells of Brattleborough with him, there being a number of the County Committee present namely

James Clay of Putney

|                              |                             |
|------------------------------|-----------------------------|
| Michael Gilson—Westminster   | Hilkiah Grout—Weathersfield |
| Obadiah Wells—Brattleborough | Simon Stevens—Springfield   |

Takeing under Consideration the Devided and Broken State of the County of Cumberland in respect to the Conduct mentioned in the votes of the Committee the day abovesaid, and the cause why the whole Committee did not meet, we as members of said Committee and well wishers to the Common Cause of America and this State think it our duty to send some suitable person to the Convention, or State of New York, with the votes of the County Committee, in order to give them a true Representation of the Difficulties the County of Cumberland &c now labour under, and to pray them to find out some method whereby they may be relieved, and the said Committee enabled to act with safety for the generall benefit of the United States and the State of New York in particular, and as Cap<sup>t</sup> Clay has been and now is a sufferer by the pretended State of Vermont, we think him the most suitable person and best able to give a suitable representation to the Honorable Convention

<sup>1</sup> Hiland Hall's *Early History of Vermont*, p. 249.

and as such we advise him as soon as his health will admit to Repair to the said Convention for that purpose, and as Cap<sup>t</sup> Clay has been a long time in the County Committee and Improved as a Chairman the greatest part of the time it has been very expensive to him, and he hath received no manner of satisfaction for all his trouble and is now going on his own cost, we Cant help but recomend him to the state as worthy to receive such releaif as they think a faithful person ought to have. as witness our Hands

SIMON STEVENS  
HILKIAH GROUT  
MICHAEL GILSON  
OBADIAH WELLS  
ELEAZER PATERSON

It would be pleasant to read that Capt. Clay received satisfaction for at least his expenses, but the editor of the New York documents states no such fact. Capt. Clay had been arrested by Vermont, but leniently dealt with.—See *Governor and Council*, Vol. 1, pp. 398-9. The following is contemporaneous with the foregoing record:

*J. Sessions to John M<sup>c</sup> Kesson Esq. Sec<sup>y</sup> of the New York Convention.*

WESTMINSTER 4<sup>th</sup> Septem<sup>r</sup> 1777.

Sir It gave me Peculiar Satisfaction when I found not only by your Letter but by the Resolves you therein mention that our affairs have been upon the Carpet in Congress—but it by no means answers the end (at Present) to stop the Progress of the faction respecting a New State I would have sent you one of the Connecticut Papers wherein is contained the Construction those People Put upon the Resolves of Congress but I conclude you have seen it so that it will be kneedless—if they had Resolved they would break their necks if they Did not Desist I Dont know but those People might have thought they were in arnest but the Hon<sup>ble</sup> Congress and Council of this State [New York] will become more Sencable (I trust) of the Temper and Disposition that actuates those People than they have been and I am sorry they hant before now if it had been Supprest sooner it in all Probability might have ben Effectual but the Event now I am unable fully to Determine altho I can Conjecture & is what I should Dread—my opposition has rendred my Situation Somewhat unhappy at present but trust shall find the old Maxim True in the end—(viz) honesty is the best Polacy I have ben a Sort of a Micaiah in the affair & I believe many would be glad I were in [the] house of Jonathan & have reason to expect this will be my fait if sumthing is not Done very soone<sup>1</sup>—for I find I am highly threatned but if sumthing is not Done Soone shall be obliged to give up the Point—as to News I have nothing special to Write only it is a very sickly time among us and in Neighbouring Towns. Should be glad of a Line from you whereby I may understand what your Sentemen are about our affairs as I want to act with safety and Prudence both for my Self State and Country. Sir I am with Due respect your most obedient ser<sup>nt</sup>

JOHN SESSIONS.<sup>2</sup>

Deacon Sessions was indeed “obliged to give up the Point,” and represented Westminster in the General Assembly of Vermont in 1787.

<sup>1</sup> John Sessions was a deacon in Parson Bullen’s church in Westminster, and on one occasion made a witty and effective use of his knowledge of the scriptures.—See *Governor and Council*, Vol. 1, p. 48, note.

<sup>2</sup> *Documentary History of New York*, Vol. 4, pp. 571, 572.

ADDITIONAL DOCUMENTS ON THE FIRST UNION OF NEW HAMPSHIRE TOWNS WITH VERMONT—1778.

In volume one of the *Governor and Council*, p. 424, is given what is believed to be a correct copy of the resolution of the General Assembly of Vermont, June 11, 1778, for the admission of sixteen towns east of Connecticut river to Vermont. In the *Provincial and State Papers of New Hampshire*, Vol. x, p. 276, an imperfect copy of that resolution was given, which seems to have been transmitted to the President of New Hampshire with the following letter:

*Letter from Nehemiah Estabrook to Meshech Weare, transmitting Resolves of the State of Vermont, about the union of certain towns with them, dated*

ORFORD, June 25<sup>th</sup>. 1778.

HON<sup>BL</sup> SIR—The Convention of Committees from the several Towns mentioned in the inclosed Copies<sup>1</sup> take this opportunity to transmit to you as President of the Council of the State of New Hampshire, a Resolve of the Assembly of the State of Vermont relative to a union of said Towns with them, by which you will be avail'd of the political situation of these United Towns & others, on the grants, who may comply with said Resolve. We hope that notwithstanding an entire separation has now taken place between your State and those Towns, an amicable settlement may be come into at a proper time between the State of New Hampshire and those Towns on the Grants that unite with the State of Vermont, relative to all civil and military affairs transacted in connection with the State of New Hampshire, since the commencement of the present war to the time of the union, so that Amity and Friendship may subsist and continue between the two States. I am, Sir, in behalf of said Convention, with respect, Your most obedient Humble Servant,

NEHEMIAH ESTABROOK, *Chairman*.

To the Hon<sup>ble</sup> M. Weare, Esq<sup>r</sup> President of the Council of New Hampshire.<sup>2</sup>

Oct. 23, 1778, Ira Allen was sent on a mission to New Hampshire, in reference to the suspension of the first union of towns east of Connecticut river with Vermont. His "Account of the Union" is given in the *Governor and Council*, Vol. i, pp. 427-429. The letter of introduction, there referred to, was as follows :

<sup>1</sup> For list of towns see *Governor and Council*, Vol. i, p. 410, note.

<sup>2</sup> *Provincial and State Papers of New Hampshire*, Vol. x, p. 277. The editor of the New Hampshire Papers gave this note : "Nehemiah Estabrook was of Lebanon. In 1776 he was one of the selectmen of the town, and deacon of the church. He presided at a meeting of several adjacent towns, held at the College hall in Hanover, July 5, 1776, to consider the perilous condition of the frontier towns, and to obtain assistance from the assembly of New Hampshire." He was also chairman of a Convention of eleven towns east of Connecticut river, July 31, 1776, which issued an address decidedly adverse to New Hampshire, for which see *Governor and Council*, Vol. v, pp. 507-513.

*Letter from Thomas Chittenden to Meshech Weare, relating to towns east of Connecticut river, dated*

WINDSOR, 23<sup>rd</sup> Oct<sup>r</sup> 1778.

SIR—I am directed by the Council and Assembly now sitting to acquaint your honor that they have had under consideration the subject of your letter to me, dated the 22<sup>d</sup> day of August last.<sup>1</sup> Whereupon they have resolved that no additional exercise of jurisdictional authority be had [by this State] east of Connecticut River, for the time being: on which Resolution the Members who appeared to represent those sixteen Towns east of the said River said to be united to this State, have entered their dissent to such Resolution on the minutes of the house and withdrawn;<sup>2</sup> under which circumstances they can have no pretensions to any claim of Protection from this State,—who are so far from a disposition to interfere on the Rights of N. Hampshire as to gratefully acknowledge their generous and timely assistance at the important battle of Bennington, by which means this Infant State was preserved.

The Assembly of this State have appointed his Hon<sup>r</sup> Ira Allen Esq<sup>r</sup> to wait on your Honor & Council with this express, who will doubtless be able to give any further satisfaction in the premises. I am, Sir, with due respect your most obed<sup>t</sup> Hum<sup>l</sup> Servant,

THO<sup>s</sup> CHITTENDEN.

Hon<sup>ble</sup> Meshech Weare, Esq<sup>r</sup>.<sup>3</sup>

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Simultaneously with the efforts of Gov. Chittenden, the Allens, and other prominent Vermonters to gain the favor of both New Hampshire and Congress, the friends of the Union on both sides of Connecticut river were on the alert to secure their desired end. On the same day that Gov. Chittenden wrote the foregoing letter, there was a Convention of the other party at Windsor, with the following result, in part:

*Letter from the Convention at Windsor, signed by Joseph Marsh, Chairman, to Henry Laurens, President of Congress.*

WINDSOR, on the New Hampshire Grants,  
October 23, A. D. 1778.

SIR—May it please your Excellency: The Assembly of the State of Vermont had a report laid before them on the 13<sup>th</sup> Instant, signed by Col: Ethan Allen,<sup>4</sup> purporting that Congress had received sundry mat-

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<sup>1</sup> For the letter of President Weare see *Governor and Council*, Vol. I, p. 414.

<sup>2</sup> For the Protest referred to see *Governor and Council*, Vol. I, p. 422. Several representatives of towns west of Connecticut river signed this protest, and their withdrawal came near to destroying a quorum of the General Assembly.

<sup>3</sup> *Provincial and State Papers of New Hampshire*, Vol. x, p. 287. For letter of Ethan Allen of the same date, and President Weare's reply, see *Governor and Council*, Vol. I, p. 426-7. For the reply to Gov. Chittenden, see *post*, p. 400.

<sup>4</sup> For this report see *Governor and Council*, Vol. I, p. 415.

ters of information or complaint relative to the proceedings of the New Hampshire Grants, and which they had determined to take into consideration, but at his solicitation were deferred, till opportunity might be had to communicate the intelligence to the people on those Grants;—respecting which we beg leave in justice to our cause to remark that Col. Allen nor any other person (that we know of) has as yet been authorized by the people on those Grants to appear at their behalf at Congress, (except those persons who preferred a petition which was dismissed last year) & which measure they had omitted from an apprehension that Congress were desirous not to be troubled with the matter at present. Nor do we by this mean any thing further, than to inform them that, on the above mentioned representation, and copies of letters from the Hon<sup>ble</sup> the President of the Council of New Hampshire to their members at Congress, and to Governor Chittenden, the Assembly of Vermont in a Committee of the whole agreed on the enclosed out-lines of a plan for settling all matters of controversy with New Hampshire.<sup>1</sup>

We apprehend we can, and are now in pursuit of measures to make it evident to impartial judges, that the New Hampshire Grants on both sides of Connecticut River, are on the same footing, and ought never to be divided:—On that principle the Committee above mentioned proposed and the Assembly agreed to the enclosed plan as having in their opinion the most effectual tendency to support a union of the two sides of the River, and lay a foundation for an amicable settlement with the State of New Hampshire, so that Congress may not have occasion to interpose in the matter. Yet an apprehension arising in the minds of sundry Members of Assembly that such an union (though in its nature reasonable and just) would, through the influence of ex parte representations, occasion Congress to come to such resolutions as might prevent the establishment of a State on said Grants, has been the occasion of different sentiments with respect to measures proper in the present juncture, and which have arisen to such a pitch as to prevent a pursuit of the proposed plan in the channel pointed out by Assembly, by a Protest and withdrawal of near one half the members who composed that Body. The protesting members notwithstanding, desirous that the same plan might be pursued, formed a voluntary Convention who are in pursuit of measures, whereby the whole of the towns on said grants may unite in such proposals to New Hampshire as we flatter ourselves will put an end to all disputes with that State.

An apprehension that measures will be attempted to procure an acknowledgment at Congress of a new State containing only that part of the grants which lie west of Connecticut River,—(which we conceive will be very disagreeable to a majority of the inhabitants on said grants) is the occasion of our transmitting this by Col. [John] Wheelock, whom we have also requested to inform your Excellency or Congress more fully of the matter, than the limits of this letter will admit, and request that nothing may be done at Congress which shall prevent the good effects of the measures now taking for an happy settlement with the State of New Hampshire.

I am, Sir,—in behalf of said Convention, with great deference and respect, Your Excellency's most obedient and most Humble Servant,

[Signed]

JOSEPH MARSH, *Chairman.*

His Excellency Henry Laurens, Esq<sup>r</sup>, President of Congress.<sup>2</sup>

For the Protest referred to in the foregoing letter, and other proceedings of the Convention, see *Governor and Council*, Vol. 1, pp. 417–426.

<sup>1</sup> The reference here is to a report made to a Committee of the Whole Oct. 19, 1778, for which see *Governor and Council*, Vol. 1, pp. 417–419.

<sup>2</sup> *Provincial and State Papers of New Hampshire*, Vol. x, pp. 289–90.



*President Weare to Gov. Chittenden, relating to the visit of Ira Allen, &c.*

STATE OF NEW HAMPSHIRE, Exeter, Novem<sup>r</sup> 5<sup>th</sup>. 1778.

SIR—Your letter of the 23<sup>d</sup> Ult<sup>o</sup> was delivered me by Mr. Allen, and hath been laid before the Gen<sup>l</sup> Assembly of this State, who have directed me to observe, that the Resolution of the Representatives of your People which you mention, viz. "That no additional exercise of jurisdictional authority be had (by this State) east of Connecticut River for the time being," is not an explicit determination to break off all connection as a distinct political Body with the Towns East of Connecticut River; but is so ambiguously expressed as to show nothing of your future intentions on the subject. However, as you refer us to Mr. Allen, the Bearer, for "further satisfaction in the premises," that Gentleman has, with openness and Candour informed us that some particular circumstances in your affairs had hindered a more particular and Explicit declaration on the subject; yet assured us, that he had no doubt but a considerable majority of your People would totally reject any further connection with the people East of Connecticut River as a Political Body: On which state of the matter we shall depend, as that only can hinder difficulties arising between the State of New Hamp<sup>r</sup> and the People settled on the New Hampshire Grants (so called) west of Conn<sup>t</sup> River.

Hon<sup>ble</sup> Thomas Chittenden.<sup>1</sup>

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ADDITIONAL DOCUMENTS ON THE SCHEME OF 1779 TO UNITE ALL  
THE N. H. GRANTS WITH NEW HAMPSHIRE.

In *Governor and Council*, Vol. I, pp. 432-441, and Vol. III, pp. 499-501, sundry papers on this scheme were printed. The following are additional :

*Circular issued to sundry towns west of Connecticut river by a Committee of the Convention at Cornish, of Dec. 8, 1778.*

DRESDEN, April 23<sup>d</sup>. 1779.

The Committee appointed by the Convention held at Cornish in December last having laid before the Assembly of New Hampshire the Proposals contained in a printed Pamphlet entitled a "*Public Defence*,"<sup>1</sup> the said Assembly have it in contemplation to extend their claim over the whole of the *New Hampshire* grants, submitting to Congress whether a new State shall be established on the Grants; but have deferred a De-

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<sup>1</sup> *Provincial and State Papers of New Hampshire*, Vol. x, p. 294. The editor of New Hampshire State Papers states that "this letter, undoubtedly written by Mr. Weare, though not signed, was probably the first draught of the one sent to Gov. Chittenden." It differs from Prest. Weare's letter of the same date to Ethan Allen, in one important particular, viz. that it does not declare that "whatever may be determined by Congress relative to the acknowledgement of your [Vermont] Independence will be fully acquiesced in by New Hampshire."—See *Governor and Council*, Vol. I, p. 427.

<sup>2</sup> For this document see *Governor and Council*, Vol. v, pp. 525-539.

termination of the Matter till their June Sessions, that they may more fully know the Sentiments of the Inhabitants respecting such a measure.

In order therefore that the real Sentiments of the Inhabitants on the Grants may be collected, and the Matter which has been long held in Suspence be brought to an Issue, the Committee request that a Return be made some time in the month of *May* next to General [Jacob] *Bayley*, of the following Matters, that they may be communicated to the General Assembly of New Hampshire, at their next Sessions.

1. The Number of legal Voters in Town Meetings, as nearly as they can be conveniently ascertained.

2. The Number who attend the Town Meeting when the following Question shall be put.

3. The Yeas and Nays on the following Question, viz: Whether this Town is willing that the Assembly of New Hampshire extend their claim and jurisdiction over the Whole of the Grants;—New Hampshire at the same time submitting to Congress, whether a new State shall be established on the Grants?

Dresden, April 23<sup>d</sup>. 1779.

Per order of the Committee J. [JOSEPH] MARSH, *Chairman*.

*Return from Newbury.*

Agreeable to the above Request the Town of Newbury met, according to a warning for that purpose, and the question above put:

|             |                                 |
|-------------|---------------------------------|
| { Yeas 20 } | 60 souls in s <sup>d</sup> town |
| { Nays 1 }  | owning freeholds,               |

JACOB KENT, *Town Clerk*.

*Return from Hartford.*

In the affirmative 19 { Reserving to ourselves the Right we have had or  
negative 4 { could have had to be a New State Notwithstanding.

Attest,

AMOS ROBINSON, *Town Clerk*.

*Return from Moretown [Mooretown, now Bradford.]*

Att a Leagel Town Meeting Held in Moretown on the New Hampshire Grants, the 25<sup>th</sup> Day of May 1779. The Number of Voters to act in Town Meetings is forty; fifteen attended said meeting and voted the following vote: Its our desire to be a New State but are willing to submit the matter to Congress whether we shall be a New State, and if that cannot be obtained, we Desire to be annex'd to the State of New Hampshire. And we find by information it is the opinion of the Town in general that New Hampshire extend there jurisdiction over the whole of the Grants.

|                 |                      |
|-----------------|----------------------|
| NOAH WHITE      | } <i>Selectmen</i> . |
| EBENEZER MORTON |                      |

*Return from Peacham.*

The Town of Peacham having Received warning from J. Marsh, Chairman, to take the Yeas & Nays on the following Question, viz. Wheather this Town is willing that the Assembly of New Hampshire extend their claim and Jurisdiction over the whole of the Grants;—New Hampshire at the same time submitting to Congress Wheather a New State shall be Established on the Grants. The Town having been duly warned met accordingly, the Twenty-fifth day of May A. D: 1779, and proceeded as follows, viz.

1<sup>st</sup> Chose James Bailey, Moderator, & Jonathan Elkins Clerk of said meeting.

2<sup>d</sup> Proceeded to know the number of Legal Voters in said Town and find Eleven.

3<sup>d</sup> The Number of Legal Voters who attended the meeting when the above Questions were Put, and find seven, viz.

|                               |     |
|-------------------------------|-----|
| James Bailey,                 | yea |
| Jonathan Elkins,              | yea |
| Archibald Laughlin,           | yea |
| John Skiels,                  | yea |
| James Bayley jun <sup>r</sup> | yea |
| Peter Johnson,                | yea |
| Meshech Libby,                | yea |

JONATHAN ELKINS, *Town Clerk.*

#### *Appointment of Agents to New Hampshire.*

At a meeting of the Committee of Associated towns in the northern parts of New Hampshire Grants, June 3<sup>d</sup>. A. D. 1779.

Voted, That Col. [Peter] Olcott and Mr. [Bezaleel] Woodward be and hereby are appointed in the name and behalf of the people in the northern parts of the New Hampshire Grants, to use their endeavors that the Assembly of New Hampshire, at their next Sessions, assert and effectually prosecute their claim to grants west of Connecticut River.

Per order—

JOSEPH MARSH, *Chairman.*<sup>1</sup>

For Ira Allen's caustic account of the proceedings in the General Assembly of New Hampshire, on this subject, see *Governor and Council*, Vol. I, pp. 438-441.

#### *Gov. Thomas Chittenden to President Weare of N. H.*

WINDSOR, State of Vermont, June 3<sup>d</sup>. 1779.

SIR—The honorable Ira Allen Esq<sup>r</sup> who was appointed to wait on the hon<sup>ble</sup> the Council and General Assembly of N. Hampshire in March last, with a letter from me, and to transact other public business of this State with them, having reported to the General Assembly of this State, that a Committee of the Assembly of N. Hampshire, appointed at their last session, brought in a Report that they tho't it expedient, that N. Hampshire should lay in a Jurisdictionate Claim to the territory of Vermont, and that the consideration thereof was referred to their Sessions in June instant; and the Assembly of this State having this day resumed the consideration of said Report, have requested me to acquaint your honor, that after a full & deliberate debate on the subject, they conceive, that such a claim would be attended with very disagreeable consequences to both Governments, as it would tend to encourage a dangerous Schism, created by certain disaffected persons to both Governments, which is now crumbling into its primitive nothing. I therefore earnestly request, that the State of N. Hampshire do not lay in such a claim, as I presume, that by far the greater part of the Inhabitants of this State are

<sup>1</sup> *Provincial and State Papers of New Hampshire*, Vol. x, pp. 338-341.

<sup>2</sup> For report see *Governor and Council*, Vol. I, pp. 438-441.

strenuously opposed to such a measure. The bearer, Ira Allen Esq<sup>r</sup> will be able to give your honor any further intelligence in the premises. I am your most obedient humble servant,  
 THO<sup>s</sup>. CHITTENDEN.  
 The hon<sup>ble</sup> Meshech Weare, Esq<sup>r</sup>, President of the Council of N. Hampshire.<sup>1</sup>

*Appointment and Instructions of Ira Allen, as agent &c. to N. Hampshire.*

STATE OF VERMONT, in Council, Windsor, June 4<sup>th</sup>. 1779.

Agreeable to your appointment by the General Assembly of this State, you are hereby authorized and impowered an agent to confer with the Hon<sup>ble</sup> the Council and General Assembly of the State of New Hampshire on any political matter which may concern the Interest, Peace and Tranquility of both States, and in special to settle the boundary line of the respective Governments, as it is apprehended by this Council that such a settlement would be attended with the important consequence of quieting the Schism now subsisting, the design and tendency of which is to subvert the authority of both Governments.

By order of Council  
 Hon<sup>ble</sup> Ira Allen, Esq<sup>r</sup> (Copy.)<sup>\*</sup> THO<sup>s</sup> CHITTENDEN.

For Allen's report see *Governor and Council*, Vol. I, pp. 436-441.

*Woodbury Langdon, Delegate in Congress, to President Weare, respecting Vermont.*

PHILADELPHIA, Octo<sup>r</sup> y<sup>e</sup> 12<sup>th</sup>. 1779.

S<sup>R</sup>—The reasons why I have not done myself the honour of writing to you before, are these: Soon after my arrival here I was taken very ill of a Fever, which confined me to my Bed a considerable time, and since my recovery General Whipple has gone home, who from his long residence and experience at Congress will be able to give you a more perfect account of the transactions here than can be expected from me.

Since my recovery I have attended Congress with the closest application, and shall endeavour to exert myself if my health continues, to the utmost of my ability while here.

You will have received sundry Resolutions relative to Vermont from the President of Congress, a copy of the last of which I herein enclose; the others of the 24<sup>th</sup> September were pass'd while I was confined, and I cannot say are altogether to my mind.<sup>a</sup> This Business in my opinion is of the greatest consequence to New Hampshire, and requires her most serious attention for many very weighty Reasons:—among which, give me leave to mention the following: That as the thirteen United States have declared themselves independent—which they will beyond all doubt support—and at the same time have reserved to each State its particular separate independence and sovereignty, and as New Hampshire without

<sup>1</sup> *Provincial and State Papers of New Hampshire*, Vol. x, p. 342.

<sup>a</sup> *Provincial and State Papers of New Hampshire*, Vol. x, p. 343.

<sup>\*</sup> For the resolutions referred to see *Governor and Council*, Vol. II, pp. 183-185.

Vermont will be very small and weak compared with her neighbouring States, and it cannot be expected in the nature of things, but that some day or other differences will arise between that State and her neighbours, in which case she will be under great disadvantages on account of her weakness ; it therefore is her indispensable duty in the first settling out, to endeavour by all proper means to be as much on a footing with her neighbours as possible : of the truth of this I am more & more convinced every day ; it will also give her greater weight in the grand Councils of America, and be an amazing saving of Tax—both of which are objects well worthy consideration. The same reasons will apply to Vermont, against her being a separate State, and in favor of her being connected with New Hampshire :—indeed there does not appear to me the least probability that Vermont will be allowed to be a separate State ; and every step that has been or may be taken by New Hampshire to countenance it weakens her claim far beyond what many gentlemen of New Hampshire have any conception of, and will be so considered in deciding the dispute, therefore I wish most heartily that New Hampshire and the Inhabitants of what is called the Grants of Vermont would, for the interest of both, lay aside every thought of making the latter a separate State, unite in their Endeavours to be one State, in which case, in my opinion, they will succeed ; but if Vermont *persists* in endeavouring to be a separate State and New Hampshire appears to acquiesce, they will very likely both be disappointed, and in all probability Vermont will be adjudged to New York. I confess I am anxiously concerned for the settlement of this matter ; and when I declare that I have no private interest in the tract of country called Vermont, and never expect to have, it will, I flatter myself, be admitted that I can have no view separate from the true Interest of New Hampshire, when I endeavour to prevent the Grants from being loped [lopped] off from New Hampshire, of which without vigorous exertions there appears to be danger.

The Delegates of New York, Massachusetts Bay and New Hampshire have most of them thought it best to recommend to their several States a particular form of an act to answer the end of the Resolution referred to above,<sup>1</sup> in order that there might be a similarity in the acts ; the Delegates from the two former States have accordingly sent a form of an Act to their respective States,—a copy of which I have thought it my duty to inclose herein ; and the General Court will adopt it or not as they may think proper.<sup>2</sup> If it should be adopted, it may be very necessary to add a clause making it of force provided New York & Massachusetts Bay pass similar Acts ;—otherwise not,—as it is at present very uncertain what will be done by those States ; and I hope I shall be pardoned when I say that care will be taken in forming every part of the Act, that no disadvantage or embarrassment may accrue to the State hereafter in consequence of it.

Yesterday was forwarded to you, by express, sundry Resolutions of Congress respecting a supply of the Treasury ; the Letter accompanying them together with the inclosed of the 13<sup>th</sup> Sep<sup>r</sup> past sufficiently point out the necessity of the measure, without my adding anything on the subject. It gives me much pain to find that there appears to be a necessity for calling on the States for such large supplies, and confess that I

<sup>1</sup> Second Resolution of Congress of October 21 1779, for which see *Governor and Council*, Vol. II, p. 185.

<sup>2</sup> An act was passed, submitting to Congress the decision of the claim of New Hampshire.—See *Governor and Council*, Vol. II, p. 241.

am not without my fears respecting the success of it ; but you must see what will be the consequence if it does not succeed. Your Delegates have been able to procure the Proportion of Tax for New Hampshire to be much lower than what it has hitherto been ; but it must be remembered that when hereafter the proportion of the Taxes of each State shall be finally fixed agreeable to some former Resolutions of Congress, if it shall then appear that New Hampshire or any other State has been deficient, it will be then liable to make good such deficiency, and on the other hand, if any State has been overrated it will have credit for the same.

The peculiar situation of my Family and other concerns renders it necessary for me to leave this place early in December, in order to return home; which I hope will not be taken amiss by the Court, as they will remember it is agreeable to my engagement with them; it will always be the height of my ambition to render the State every possible service in my power—doubtless care will be taken that such persons are chosen to represent the State in Congress as are fully acquainted with the dispute relative to Vermont, and to instruct them fully in that Business. I am with all due Respect your most obedient H<sup>ble</sup> Serv<sup>t</sup>

WOODBURY LANGDON.

The Hon<sup>ble</sup> Meshach Wear, Esq<sup>r</sup><sup>1</sup>

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*Sundry articles to be complied with by the Legislature of New Hampshire.<sup>2</sup>*

1<sup>st</sup> That the Legislature of New Hampshire spiritedly support their claim to the Grants west of the river Connecticut, and exercise jurisdiction over them when they shall apply therefor.

2<sup>d</sup> That the Inhabitants of the Territory east of Connecticut river, who have heretofore been in union with Vermont, have secured to them the privileges that the rest of the subjects of New Hampshire enjoy.

3<sup>d</sup> That the Legislature pass an act indemnifying all persons in the union aforesaid who have acted under the authority of Vermont, so far as they have conducted consistent with the common Law or the Statute Laws of said Vermont.

4<sup>th</sup> That the Legislature of New Hampshire ratify and confirm all the proceedings of any Courts which have been constituted under the authority of Vermont, that shall be found not repugnant to Common Law or the Statute Laws under which they acted.

5<sup>th</sup> That all actions or processes commenced in the Territory aforesaid under the authority of Vermont aforesaid be transferred to Courts

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<sup>1</sup> *Provincial and State Papers of New Hampshire*, Vol. x, pp. 355–358.

<sup>2</sup> The editor of the *New Hampshire State Papers* conjectures that this document, which is not dated, may have been instructions to the Hon. Ebenezer Thompson, agent of New Hampshire appointed to meet the Committee sent to the New Hampshire Grants in June, 1779; or, at least, they were *conditions* on which the towns east and west of Connecticut river would be received on returning to the jurisdiction of New Hampshire. Evidently the date must have been subsequent to Sept. 24, 1779, referred to, and the conditions may have been required by the sixteen New Hampshire towns.

under the jurisdiction of New Hampshire without cost to the parties, in the same situation they were in before the dissolution of the union aforesaid.

6<sup>y</sup> That equitable allowances be made by New Hampshire for the expenditures of men and money rais'd on said Grants east of the River aforesaid for the defence of the Northern frontiers as well as the general cause of the United States.

7<sup>y</sup> That the Towns on said Grants east of the river aforesaid referred to in a resolution of Congress of the 20<sup>th</sup> [24<sup>th</sup>] Sept<sup>r</sup> 1779 be excluded from Governmental Taxes heretofore assessed.

[Paragraph eight was omitted, or the following paragraphs were wrongly numbered.]

9<sup>th</sup> That the act of the Legislature of New Hampshire for transporting persons from one county to another be repealed.

10<sup>y</sup> That all Towns and districts on the Grants east of said River be called upon to elect and send representatives to the General Court of New Hampshire, and also Members to attend the Convention to form a Plan of Government, and that the appointment of all officers in the Counties of Cheshire and Grafton be suspended until said Towns are represented in the Assembly.

11<sup>y</sup> That all deeds and conveyances of Land authenticated according to the Laws of Vermont be held valid untill reasonable opportunity be had for their being recorded in the County Registers agreeable to the laws of New Hampshire.

12<sup>y</sup> That the procedures of the several Towns in said district in their Town meetings during the time while they held themselves not subject to the jurisdiction of New Hampshire, be held valid so far as they have proceeded agreeable to the Laws of Vermont or the usages of New Hampshire, or as the Exigencies of that frontier have rendered necessary for the security of the people against the invasions of the common enemy; and that all the collectors of Taxes in the several Towns be empowered to compleat the Collection of monies due [on] Bills now in their hands, unless where a Land Tax shall have been assessed for defraying other charges than those of the war.

13<sup>y</sup> That any Towns that have been over Rated in assessments for Taxes by the Assembly shall be equitably relieved.

14<sup>y</sup> That those districts which by the Laws or usages of Vermont have been entitled to town privileges shall be continued in the enjoyment of them.

15<sup>y</sup> That a military force be stationed on the Northern frontiers sufficient to secure the inhabitants against the invasions of the Enemy.<sup>1</sup>

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*Bezaleel Woodward to Samuel Livermore.*

DRESDEN, 25<sup>th</sup> July, 1780.

SIR—By a letter from Doctor [William] Page of Charleston [Charlestown, N. H.,] I am informed that Congress, by a resolve of the ninth of June, have appointed the first Tuesday of Sept. next to hear and finally determine the dispute respecting the New Hamp<sup>r</sup> Grants—that the people in Cheshire County are roused by an apprehension that the Assembly of New Hampshire have no Agent appointed to attend nor delegate instructed to support their claim. We have had accounts here that you

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<sup>1</sup> *Provincial and State Papers of New Hampshire*, Vol. x, pp. 358–360.

are reappointed : but fear it is a mistake, as we are informed that Gen. [Benjamin] Bellows sets off this day for Exeter with a petition for the Court to convene and prepare to support their claim. I hope you will not fail to go, as I well know your ability and disposition to take every proper measure to have set aside the line fixed by arbitrary power at Connecticut River in 1764. The Committee in this part wrote to Congress last week requesting, in the most pressing manner, a speedy determination.<sup>1</sup> They are to meet again at this place next week on Thursday on account of the above mentioned resolve, to determine what further may be expedient for us to do in the affair ; at which time I would wish for your advice. The people in general in this part have done expecting a new State, and wish to have every proper measure taken to support the claim of New Hampshire to the whole of the Grants. They will peaceably and cheerfully acquiesce in any decision except a re-annexation to New York and establishment of a line at this river.

The settlement of the dispute is an object in which the people feel themselves deeply interested and are anxious for a determination. I have the honor to be, Sir, with much esteem and respect, your most obedient & most humble servant.

BEZA. WOODWARD.

Hon<sup>b</sup> Sam<sup>l</sup> Livermore.<sup>2</sup>

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*Hon. John Sullivan, Delegate in Congress, to President Weare.*

PHILADELPHIA, Septem<sup>r</sup> 16, 1780.

DEAR SIR—Congress have not yet come to a single resolution respecting Vermont, though it has been five days on the Tapis. New York seems disposed to have a determination against its being an Independent State, & then to have Commis<sup>rs</sup> appointed to say whether it falls to New York or New Hamps<sup>rs</sup>. General Foulson and myself have opposed this and urged the appointment of Commissioners in the first Instance, both upon principles of policy & upon a conviction of the want of power in Congress to take any other step agreeable to the articles of confederation.

I last evening received Letters from several persons of note in that quarter & the adjacent parts of New Hamp<sup>r</sup> expressive of the sentiments of the people, assuring me that a Division of the Grants will be Disagreeable to all: That if Congress are determined they shall not be Independent, seven-eighths of them will petition Congress to Re-unite them to New Hamp<sup>r</sup>. Col<sup>o</sup> Olcott of Vermont waited on me & assured me that this was the general sentiment of the People. I shall therefore be less violent in my opposition to that Question in future. I am exceeding happy to find that New York have appointed three Gentlemen of high spirits & all deeply interested in the event, to appear as agents for that State, breathing out nothing but Death & Slaughter against those people who have so long set their authority at Defiance & painting the Bitter enmity which they have ever discovered against the Yorkers. To this I have endeavoured to oppose the moderate spirit of New Hampshire; her readiness to acquiesce in the Determination of Congress & even though the Land is clearly within her limits, to submit to its being a separate State if Congress should find it for the good of the whole. I

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<sup>1</sup> For this letter see *Governor and Council*, Vol. II, p. 249.

<sup>2</sup> *Provincial and State Papers of New Hampshire*, Vol. x, p. 365.



have assisted the Yorkers in establishing the fact of an utter aversion of those people to live under their jurisdiction, and at the same time have taken care to maintain the harmony which has ever subsisted between them & New Hampshire. This I find is likely to have the effect intended. The members begin to see, that if the lands are adjudged to New York, the Continent must be involved in a war to enforce the Determination of Congress, which can only be avoided by adjudging it to New Hampshire and I am convinced this will finally turn the Scale in favor of New Hampshire. I wish to have forwarded to me, as soon as possible, one of the New Hampshire Law Books, in which is Governor Wentworth's Commission, as the Secretary has only furnished me with an extract from it without Date. I am indeed ashamed of the papers furnished from New Hampshire, & hope for success rather from Political considerations than from any other motives: A material paper is the prohibition to the Governor of New York in 1767 to exercise jurisdiction or grant Lands in that Territory. This I cannot obtain; New York agents are possessed of, but will not produce it. I apprehend it must be in the Secretary's office. The several papers which I wrote for when at home or such of them as can be procured ought to be forwarded. The Southern members are as ignorant of the history of New England as we are of the lands under the Poles. I procured some useful papers in Connecticut & hope to obtain more before the final Tryal. I shall also be glad of every evidence that New Hampshire can furnish & of their Instructions from time to time.

We have nothing new since Gen<sup>l</sup> Gates' defeat. I have seen a private letter from Gen<sup>l</sup> Smallwood giving a particular account of the action. The loss on our side was about two hundred; the Enemy's five hundred. The brave Marylanders after being deserted by the Militia and the Commander-in-chief, performed wonders, & retired with regularity. General Smallwood had not heard of General Gates, when he wrote, as he had retired 200 miles from the place of action before he wrote the Letter which so much frightened those who believed it, of which I never was of the number. We have this day rec'd Intelligence from New York that the second Division of the French fleet is on the coast. I rejoice that Gen<sup>l</sup> Washington gives New Hampshire credit for complying with the requisitions of Congress better than any other State. I wish her to continue her exertions as the army is literally starving, & I fear will disband; we are using every exertion to Remedy the evils which surround us, but it is a very late hour for the Business though I hope not too late. I have the honor to be most respectfully, Dear Sir, your most obed<sup>t</sup> Serv<sup>t</sup>

JN<sup>o</sup>. SULLIVAN.

Hon<sup>ble</sup> Meshech Weare, Esq<sup>r</sup>.<sup>1</sup>

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ADDITIONAL DOCUMENTS IN THE PERIOD OF THE SECOND UNION OF  
TOWNS EAST OF CONNECTICUT RIVER WITH VERMONT.

*Gen. John Sullivan to President Weare.*

PHILADELPHIA, July 10<sup>th</sup>. 1781.

SIR—Mr. Livermore and myself were honored with your Letter of the 20<sup>th</sup> June, with the Enclosures, rec'd by yesterday's Post, which were immediately laid before Congress and referred to a Committee with Directions to report as soon as possible: When the report is brought in

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<sup>1</sup> *Provincial and State Papers of New Hampshire*, Vol. x, pp. 375-377.

& considered, we shall give you official Information. I expect the Result will be a prohibition to the pretended State of Vermont exercising any Jurisdiction East of the River, and an appointment of a Day for proceeding upon the Examination of the Dispute. This will end in the appointment of a Committee to Determine thereon. The Reason why this has not been sooner done is because there has not been a competent Congress since last fall, untill within a few weeks past : I am every day more and more convinced of the Danger and impolicy of suffering the Question of the Independence of Vermont to come upon the Tapis ; for if it should be denied, New York alone will receive the advantage, for the Reasons mentioned in my former Letter. But I apprehend that this would not be the case. I rather incline to think that the present members would make desperate struggles in favor of its Independence. I scarcely dare trust my thoughts on paper ; but be assured, Sir, that the Policy of Vermont has induced them to make enormous Grants to men of *Influence* in several States, & even to members of Congress. Mr. Livermore & myself no doubt will concur in the proper plan, to avoid the danger arising from this & other Quarters. The only plausible argument in favor of determining the Question of Independency is, that this is not simply a dispute between New York & New Hampshire ; but between them and a people claiming to be independent of both. The answer to this is simple & plain, viz. That New Hampshire & New York both by ancient and modern determinations join upon each other : Of course no Independent State can possibly exist between them, & their claim of Independence can no more operate to alter the mode of Tryal pointed out in the Confederation, than if Massachusetts & New Hampshire both laid claim to the County of Essex [Mass.] & the Inhabitants were to declare themselves Independent of both : Here the first step should be to settle the Dispute between the States ; & if it was determined to appertain to Mass<sup>a</sup> no other Question would be necessary. Besides, if we [Congress] admit for a moment, the possibility of its being Independent, we declare it out of the union, & oust ourselves of any Jurisdiction, as we have nothing to do with more than thirteen States ; a fourteenth, would have a right to Deny the Jurisdiction of Congress, which it seems Vermont has already done. The safest ground therefore for New Hampshire, is to insist that there is no intermediate spot between New York & New Hampshire ; & that as Congress have *Included* Vermont within the limits of the *Thirteen* United States, it must belong to some one of them ; and, Therefore Congress ought to Determine to which,—agreeable to the rules Laid Down in the Confederation.

I confess myself astonished at the proceedings of Vermont, & more so at the conduct of the Inhabitants in our Counties. I am unwilling to believe them Influenced by the British ; but a variety of circumstances have almost confirmed me in this opinion. I suppose what ever can be done here will be done in a week or fortnight at furthest. The Commissioners will no doubt meet at Springfield or Hartford, where the titles will be Discussed & the Right Determined. Of course my attendance here will be no longer necessary on that account. I wish therefore that Mr. Gilman may be directed to set out to relieve me immediately, as my Domestic concerns will oblige me to set out perhaps before his arrival. Should the state call on me to argue the cause before the Commissioners I shall attend with pleasure.

I have the honor to be, with the most perfect esteem, Dear Sir, your most obed<sup>t</sup> serv<sup>t</sup>

JNO. SULLIVAN.

Hon<sup>ble</sup> Meshach Weare, Esq<sup>r</sup>.

PHILADELPHIA, 17<sup>th</sup> July, 1781.

SIR—The affair of Vermont is not yet decided. I expect by next post we shall be able to forward you the Result of Congress. I take the Liberty of enclosing you the paper of this day & have the honor to be, with much esteem, Dr Sir, your most obed<sup>t</sup> Serv<sup>t</sup>

JNO. SULLIVAN.

Hon<sup>ble</sup> Meshach Weare, Esq<sup>r</sup>.<sup>1</sup>

A few days later a Committee of Congress reported favorably to Vermont.—See *Governor and Council*, Vol. II, pp. 310 and 315-16.

*Col. Timothy Ellis to the N. H. Committee of Safety.*

KEENE, Aug<sup>t</sup> 7, 1781.

GENTLEMEN—I am informed that you have rec'd some late Intelligence from Gen<sup>t</sup> Sullivan respecting the New Hampshire Grants—if it is anything favorable to the friends of N. Hampshire, I wish it may be published and sent to us by the next Post: for we are in a very distressing and dangerous situation, and need every possible Encouragement & assistance to enable us to support the Rights of N. Hampshire against the rapacious claims of Vermont. They have, by a Resolve of their General Court, appointed and authorized a Committee to take the Records of the Court of Common pleas in this county, and have order'd the Clerk to deliver them up for the use of (what they call) the County of Washington. They have laid a Tax of 10<sup>l</sup> silver money upon every hundred acres of our Land, and are making hasty Preparations to collect it. They have Commissioned Judges for their County Court, which is to be held in Keene the 14<sup>th</sup> day of August inst. and I suppose they will proceed to do Business under Vermont, unless prevented by New Hampshire. In this critical Juncture I have to ask your advice & Direction, and hope you will bear us in mind, and not forsake us in our Distress. I am, Gentlemen, with much Respect, Your humble servant.

TIMOTHY ELLIS.<sup>1</sup>

*Samuel Livermore to President Weare.*

PHILADELPHIA, Aug<sup>t</sup> 21<sup>st</sup>. 1781.

DEAR SIR—A Com<sup>tee</sup> of Vermont has been here by an appointm<sup>t</sup> in June, to unite their State with the United States, and to sit in Congress. They knew nothing of the resolution of the 7<sup>th</sup> Aug<sup>t</sup> until their arrival in this City. After sundry manouvres Congress informed them by a Resolution yesterday [Aug<sup>t</sup> 20<sup>th</sup>.] That it would be an indispensable preliminary to their Independence and being admitted into the union, that they relinquished all pretensions east of the west banks of Connecticut river &c. The committee will return home to consult their constituents. The enclosed paper will give good news. I am, Sir, your most obed<sup>t</sup> Servant

SAMUEL LIVERMORE.

Hon. Presid<sup>t</sup> Weare.

<sup>1</sup> *Provincial and State Papers of New Hampshire*, Vol. x, pp. 402-404.

<sup>2</sup> *Provincial and State Papers of New Hampshire*, Vol. x, p. 404.

PHILADELPHIA, Octo. 24. 1781.

DEAR SIR—I am informed that a Com<sup>tee</sup> of our house and Council have proceeded to Connecticut river to treat with the people concerning attachm<sup>t</sup> to Vermont, or something to that effect. I did not hear the names of the Com<sup>tee</sup>.<sup>1</sup> However, I hope the measure will be attended with good consequences. That Com<sup>tee</sup> will doubtless be returned before this reaches you. I should be glad to be immediately informed of the result of their proceedings: As it may relate to the subject before Congress, and strongly influence their resolutions. 'Tis probable the Com<sup>tee</sup> of Vermont will be here before the last of Octo. for a final decision of their affair. I am very anxious to get this matter settled and to return home. I shall presume the State will not be against my returning when this business is finished. I long to see the County of Grafton Active and our whole internal policy settled. I am, Sir, your most obedient humble servant

SAMUEL LIVERMORE.

Hon. President Weare.<sup>2</sup>

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*Memorial of John Clark of Landaff.<sup>3</sup>*

To the Hon<sup>ble</sup> Committee of Safety for the State of New Hampshire—The MEMORIAL of John Clark, of Landaff, in the County of Grafton and State aforesaid,—humbly *sheweth*:—That the memorialist was one of the first settlers in said Landaff, where he hath, in opposition to wheedlings, flatteries, promises, frowns, threats, insults, and every other conceivable machination, invariably to the utmost of his ability, endeavored to support the common cause of these United States under the Government, and agreeably to the Laws of the State of New Hampshire.

That notwithstanding the many difficulties usually occurring in the settlement of new plantations, and the peculiar embarrassments which have hitherto attended the settlement of said Township, the memorialist hath, by his industry, at great fatigue and expense acquired considerable property, a peaceable enjoyment of which would afford a comfortable prospect for the subsistence of a numerous family and dependents; and enable him to aid others in the further settlement of that new country, and to contribute somewhat for the support of the public cause.

That the variety of hardships, insults and losses, which the ringleaders of the pretended State of Vermont, by usurping and exercising jurisdiction over the inhabitants of a number of Towns in that part of the State of New Hampshire, which lies adjoining on the east of Connecticut River, have driven many of the good and peaceable citizens of those Towns to sustain, on account of their inflexible attachment to the Laws

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<sup>1</sup> The editor of the New Hampshire State Papers supposes this to be the Committee of Congress appointed Aug. 8, 1781, to confer with the agents of Vermont. Of course Mr. Livermore must have known that this Committee did not visit Vermont.

<sup>2</sup> *Provincial and State Papers of New Hampshire*, Vol. x, pp. 407, 412.

<sup>3</sup> In *Governor and Council*, Vol. II, p. 500, will be found a brief petition of John Clark jr. and others on the same subject. This memorial of John Clark gives details sufficient to indicate the spirit of both parties in the western towns of New Hampshire on the question of that day, and for that reason it is printed here.

and government of the State of New Hampshire, and the stratagems practiced by those ringleaders and their emissaries, to alienate the affections of honest and well meaning subjects of said State of New Hampshire, to induce them to renounce their allegiance, and to strengthen the bonds of faction ; being matters of such notoriety, your memorialist humbly conceives the hon<sup>ble</sup> Committee would esteem a rehearsal of them altogether needless. However, the memorialist cannot think himself censurable, when he begs leave just to observe, that the sentiments of the good people in many of those unhappy Towns, cannot be determined by the votes in their Town-meetings, as none are allowed to vote but such as solemnly renounce all dependence on, or political connection with the State of New Hampshire, and take an oath to support the government and laws of said Vermont ; so that ten men having received the *sop*, will carry on the business of the meeting, when perhaps three times that number who have not the mark of the — and from principle cannot join the faction, are obliged to stand mute ;—and in cases where a large minority, if allowed a suffrage, would appear in the negative, the proceedings are entered unanimous ; by means whereof most of the Town officers chosen at such meetings are from among those who are aliens from the commonwealth of New Hampshire, and who endeavor by every possible means to prevent the knowledge and execution of the Laws of New Hampshire, among the people.

That the memorialist and others have patiently endured suffering, persecutions & new-coined insults and indignities, not to be described, firmly relying, that the authority and government of the State of New Hampshire would not suffer the State to be dismembered, her authority trampled on, the laws contemned, or her devoted citizens to perish under the tyranny of faction, for want of her succour, and the due execution of her Laws : And what has added much to the confidence of the unhappy sufferers hath been the spirited and unequivocal resolves of the General Assembly of said State, especially that passed on the 20<sup>th</sup> of June last, viz. “ That this State will exert themselves to preserve their jurisdiction unimpaired, and to give effectual speedy support, protection, and succour to the faithful and distressed subjects thereof.”

That the memorialist flatters himself, both he and his fellow-sufferers, have some idea of the complicated and almost invincible embarrassments which have hitherto attended the due execution of the laws in the County of Grafton, for the protection of its inhabitants ; but as the oppression of those usurpers hath arrived to such a height, your Honors candor will forbid attributing it to a petulant disposition in the memorialist, or his want of confidence in the authority of the State, when he assures your Honors he can no longer endure the torture of such accumulated distress.

That on the morning of the 29<sup>th</sup> of September last at Landaff aforesaid, your memorialist being in the peace of God and the good people of the State, about his lawful employment, travelling in the public road from his house to a remote part of his farm, when on a sudden, he saw a banditti of about a dozen men, armed with guns and other offensive weapons, gathered in riotous manner, near a barn in the possession of one Daniel Titus ; when one of the ringleaders in the riot, stepped forth from among the rest, and seized the horse on which your memorialist was riding, and commanded the memorialist forthwith to join in the riot, to turn John Cressey, John Cressey jun. and families out of their houses, to perish in the wilderness ; but the memorialist obstinately refused to comply ;—and after some words had passed, it was proposed and voted by the rabble, that the memorialist should be confined : Whereupon Eleazer Wheelock, James Wheelock, Ebenezer Cleveland, Absa-

lom Peters,<sup>1</sup> Asa Bayley and others, immediately, with force and arms in a high-handed riotous manner, made great efforts to bind him on his horse. By this time the mob was in a tumult—some accusing the memorialist of speaking against the rioters, and saying that he would oppose their lawless proceedings; others that he was against the authority of Vermont; and others that he was an enemy to the [Dartmouth] College Party:—while some were pulling the horse by the bridle, others whipping, some yelling, others firing guns: thus in triumph they carried off the unhappy victim of their malice; And after carrying the memorialist about in manner aforesaid, with threats, insults and abuses from place to place, till near the setting of the sun, when the said Eleazer Wheelock, with some other of the rioters, seized violently on the Body of the memorialist, and by force drag'd him toward the house of one Noyes, who was among the gang, whereby the memorialist was most grievously injured in body and mind.

That the said rioters then, and at divers other times, before and since, uttered and declared such threatening and menacing words and speeches, of, and concerning the memorialist, as that he is in great anxiety of mind about the present unsafe situation of his person, family and property; and unless some speedy and effectual measures are adopted for their relief, he, with many others, have the gloomy prospect of being driven to the sad alternative of submitting to the mandates of a lawless banditti, on the one hand; or on the other, forsaking their dear-earned habitations, to seek an asylum.

Your memorialist begs leave further to suggest as his opinion, that most of the political difficulties subsisting in the counties of Cheshire and Grafton, originate from the machinations of certain subtil Tories, joined by those who have y<sup>e</sup> conducting of the Indian [Moor's Charity] School at Hanover, and their emissaries, to promote the views of British administration, rather than any attachment they have to support the pretended State of Vermont.

Wherefore your memorialist in behalf of himself and his fellow sufferers, humbly prays the interposition of the Hon<sup>ble</sup> Committee, that you will take the premises under your wise consideration, and issue orders to such officers in said County of Grafton, as are willing to exercise the powers of their respective offices, which they now hold under the State of New Hampshire, to exert the same in protecting those who conduct themselves as good subjects of said State, in their persons and property, from the insults and abuses of Mobs, riots or lawless individuals, and from the execution of any Laws, or the exercise of any other authority, than that which is under the government and people of the State of New Hampshire;—or relieve the memorialist and others in such way and manner as your Honors in great wisdom, shall judge most conducive to the public tranquillity.

And your memorialist, as in duty bound, shall ever pray.

Exeter, 12<sup>th</sup> October, 1781.<sup>2</sup>

JOHN CLARK.

The grievances, of which Mr. Clark specially complained, occurred on the 29th of Sept. 1781. Oct. 3, 1781, the Clark family prepared at Landaff a petition which was presumably in the best literary style of which that family was capable.—See *Governor and Council*, Vol. II, p. 500. Nine days later the head of the family presented the foregoing memo-

<sup>1</sup> Absalom Peters represented Landaff in the General Assembly of Vermont in 1780 and 1781.

<sup>2</sup> *Provincial and State Papers of New Hampshire*, Vol. x, pp. 412–416.

rial, dated at Exeter. A comparison of the two documents will warrant the suggestion that Mr. Clark had been summoned to the then seat of government of New Hampshire, and that some official, inspired by Clark's personal grievances and unreasonable prejudice against Dartmouth College, drew up the memorial, taking care to insert an apology for the government. On the whole the paper was, in modern parlance, a good campaign document.

*Action taken on the memorial of John Clark.*

State of New }  
Hampshire }

In Committee of Safety  
Oct<sup>r</sup> 19<sup>th</sup> 1781.

SIR—By a memorial of Mr. John Clark of the 12 Instant and his Verbal representation to us made we are informed that he has been proceeded against by sundry persons in a riotous & unconstitutional manner.—As the Courts have not been open of late in the County of Grafton, the necessary steps of the Law respecting this matter cannot be taken at present. Our General Court are to meet on the first Wednesday of November next, when (without doubt) they will give necessary directions for opening the Courts &c.—In the meantime, if any riotous proceedings should be attempted, you are requested to give relief & assistance to any of the Inhabitants of this State on whom such attempts may be made, and apprehend such Rioters & confine them in your County or in case that cannot be done in safety send them to any other County in this State for safe keeping.—Your giving a representation of this or any other matters of the like kind that may happen to the General Court at their next session, may perhaps be very beneficial to the State.

Col<sup>o</sup> Charles Johnston. Copy†

Col. Johnston resided at Haverhill, which acknowledged the jurisdiction of Vermont in 1778, 1780 and 1781. He was engaged in military service under New Hampshire at this period, but seems to have done nothing in regard to the internal troubles of western New Hampshire.

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*President Weare to Samuel Livermore.*

HAMPTON FALLS, Dec. 4<sup>th</sup> 1781.<sup>1</sup>

DEAR SIR—I received your favor of the 6<sup>th</sup> of Novem<sup>r</sup> ult<sup>o</sup> respecting this State's proportion of the Tax proposed to be raised by the United States for defraying the charges of the ensuing year which was immediately laid before the General Assembly then sitting, who are fully convinced that we shall be taxed greatly beyond our just proportion by the number of Inhabitants which Congress have taken to settle each State's Quota and have directed me to write you on the affair, which I shall do as soon as I can procure the accounts of the number of Inhabitants in this State which have been taken or any other matter which may serve to give light in the affair.

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<sup>1</sup> *Provincial and State Papers of New Hampshire*, Vol. x, p. 417.

<sup>2</sup> In the State Papers of New Hampshire the date of this letter is given as of 1782, with a query whether it was not in fact in 1781. The letter itself gives abundant evidence that it was written in 1781.

I have also received your favor of the 13<sup>th</sup> ult<sup>o</sup> in which you mention that you had heard nothing from Vermont respecting their Compliance with the Resolutions of Congress. I now inclose you copies of the Proceedings of their General Assembly at a session which they held at Charlestown (N<sup>o</sup> 4) in October last transmitted to this State. Altho' it is probable that before this reaches you, Congress will have received copies of the same. By which it appears that they are determined to pay no regard to any Resolutions of Congress but to support themselves upon their own Authority. How far such proceedings will endanger the peace of all the United States, Congress will judge.

You see they have proposed setting Boundaries between them and New Hampshire by a Committee which on their part they have chosen ; But this method our General Assembly have rejected, I think with good reasons. For should we comply with that proposal it would be acknowledging them an Independent State which (I think) we have no right to do, but is a matter proper for the determination of Congress only. It would moreover be acknowledging them a State on both sides of the River, for as such they now act, and in that case, upon what principles any boundary Line could be settled I know not. They may ( for anything I can see) as well claim the whole of the State as what they now do, for what they tell about the Grants is a mere Device of their own without any foundation, for Mason's Patten [Patent] you well know, was a grant of the soil only and had no relation to Jurisdiction or Government.<sup>1</sup> But their Temper, Disposition, high handed Proceedings and injurious Treatment of such Persons, as do not Join with them, and their Contempt of the Authority of this State will more fully appear by their proceedings in imprisoning Messers Bingham & Grandy as appears by the papers laid before the General Court, Copies of which I enclose to you ; Upon considering of which the General Court ordered Col<sup>l</sup> Hale the Sheriff of the County to liberate them from Gaol and what followed in consequence of his going to execute the orders of the General Assembly, You will learn from Gen<sup>l</sup> Bellows' Letter which I have just received by Express, Copy of which I likewise inclose.<sup>2</sup> It is impossible as yet to determine to what length they will carry matters, and what alarming Consequences may follow. This State have hitherto, for the sake of maintaining peace and in hopes of a speedy determination of Congress, forbore exercising Jurisdiction over those who have pretended to join with Vermont. We have not made distress for Taxes, tho' a great part of the Towns of the Counties of Cheshire and Grafton have refused paying any Taxes or contributing to the support of the War, which has greatly embarrassed our affairs and rendered it extremely difficult and in some cases impracticable for us to comply with the Requisitions of Congress. It is now absolutely necessary for the state to exert our authority to relieve our Fellow Citizens, distress'd, threatened and dragg'd to Gaol and to oppose such illegal and altogether unjustifica-

<sup>1</sup>The ground of the New Hampshire grantees west of the Mason patent was, that the patent covered all that New Hampshire was entitled to, the subsequent orders of the king as to broader jurisdiction to New Hampshire and New York being abrogated by the declaration of American Independence ; or, in other words, that the inhabitants of the New Hampshire Grants had the same right to declare themselves independent of the king as the thirteen American provinces had. That argument has never been satisfactorily met.

<sup>2</sup>See *Governor and Council*, Vol. II, p. 335.



ble proceedings; and I cannot doubt but Congress will support us herein, and grant us such assistance as may, at any time, be necessary for supporting us as one of the United States agreeable to their Resolutions and Guarantee. You will doubtless inform Congress of these proceedings of the Vermonters and take their advice respecting our Conduct. We have submitted the matter to them and Rely on their supporting us in our just Claims and earnestly request they would make a final Settlement and Determination in the affair.—Shall be glad to hear from you respecting this matter as speedily as may be. M. W.<sup>1</sup>

*Action of the Committee of Safety of New Hampshire.*

State of New }      In Com<sup>tee</sup> of Safety Exeter Decem<sup>r</sup>  
Hampshire }      5<sup>th</sup>. 1781.

SIR—By the inclosed Order you will see, that you are to raise the body of your County for the purpose of liberating the Sheriff of the County of Cheshire from his illegal confinement.

The Committee have wrote Gen<sup>l</sup> Nichols and Gen<sup>l</sup> Bellows on the subject of raising men for that purpose to whom you will apply.

You have inclosed a copy of the act of the Gen<sup>l</sup> Court, empowering the Committee to liberate persons confined in the Counties of Cheshire and Grafton by any persons acting under the pretended authority of Vermont & for apprehending all persons who have or shall attempt to exercise such authority in either of said Counties.<sup>2</sup>

You will receive herewith a Warrant directed to Col<sup>o</sup> Hale or (in his absence or inability to act) to yourself for liberating from confinement and for apprehending sundry persons acting as aforesaid.—You will first proceed to liberate Col<sup>o</sup> Hale and afterwards give him your assistance agreeably to the Act of the General Court. If (by any cause whatever) Col<sup>o</sup> Hale should not be able to execute said Warrant, you will consider and proceed to execute the same as full to all intents and purposes as though originally intended for you.

The Confining Coll. Hale is a Crime of such magnitude, that the General Court (as we conceive) had no idea of it, and demand speedy redress; doubt not but you and all the good people of this state who may be called upon for the purpose will exert yourselves to give speedy relief to those confined and bring to Justice all concerned in such unconstitutional proceedings.

You will call on Francis Blood Esq for a supply of Provisions, to whom we have wrote on the subject.—You will give the Committee (or the General Court if sitting) all necessary intelligence from time to time in order (if need be) that you may have further support.

M. WEARE, *President.*

Moses Kelley, Esq.

Copy.<sup>3</sup>

<sup>1</sup> *Provincial and State Papers of New Hampshire*, Vol. x, pp. 468–470.

<sup>2</sup> For this act see *Governor and Council*, Vol. II, p. 336.

<sup>3</sup> *Provincial and State Papers of New Hampshire*, Vol. x, p. 444.

State of New } In Committee of Safety Exeter  
Hampshire } Decem<sup>r</sup> 5<sup>th</sup> 1781.

[L. S.] To Moses Kelley Esq, Sheriff of the County of Hillsborough—  
Greeting.

Whereas this Committee are informed that the Hon<sup>ble</sup> Enoch Hale Esq, Sheriff of the County of Cheshire (in attempting to liberate Nathaniel Bingham and John Grandy Jr. from Charlestown Gaol in pursuance of an order from the General Assembly of this State for that purpose) has been apprehended by some persons acting under the pretended authority of Vermont and confined in said Gaol:

You are hereby required in the name of the Government and People of said State to raise the Body of your County and proceed immediately to said Gaol (or to any other place in this State where the said Enoch Hale Esq may be confined by any person or persons acting under the pretended authority of said Vermont) and him release & liberate from such confinement; after which you will give your assistance in apprehending such persons as he may be directed, by this Committee, to apprehend in consequence of an Act of the Gen<sup>l</sup> Court passed Novem<sup>r</sup> 28<sup>th</sup> 1781—And all officers Civil and Military, and other subjects of this State, are by said Act required to be aiding and assisting in the premises—for which doing this shall be your sufficient Warrant. Hereof fail not and make return as soon as may be. M. WEARE, *President*.<sup>1</sup>

State of New } In Committee of Safety  
Hampshire } Decem<sup>r</sup> 5<sup>th</sup> 1781.

[L. S.] To Enoch Hale Esq, Sheriff of the County of Cheshire or in case of his absence or Incapacity to execute this Order To Moses Kelley Esq Sheriff of the County of Hillsborough—Greeting.

Whereas by an act of the General Court of this State passed November 28<sup>th</sup> 1781 the Committee of Safety are Authorized and impowered to issue their Order to the Sheriff of the County of Cheshire to release from prison all persons confined, or who may hereafter be confined by any person or persons claiming authority from the pretended state of Vermont within the Counties of Cheshire and Grafton, and also for apprehending and confining any persons acting under said Authority within said Counties and to convey such offenders to such Gaol as the Committee of Safety for such State shall order: Therefore you are hereby required in the name of the Government and People of said State to call on the posse of the Counties of Hillsborough and Cheshire, and in case you find it necessary on any or all of the other Counties in this State and proceed to and release from prison Nathaniel Bingham and John Grandy jr who are now in Charlestown Gaol and any other persons that may be confined in either of the counties of Cheshire and Grafton by any persons acting under the pretended authority of Vermont. And whereas we are informed that Benjamin Giles Esq of Newport, Nathaniel Sartele Prentice Esq. of Alstead, Samuel King of Chesterfield, [William] Page of Charlestown Physician, [Isaac] Ely of Charlestown, Isaac Griswold of Keene and Moses Smith of [Chesterfield] have each and all of them by colour of authority from the said pretended State of Vermont acted as officers within this State:

You are hereby further required to apprehend the Bodies of the said Benjamin Giles, Nathaniel Sartele Prentice, Samuel King, Page, Ely,

<sup>1</sup> *Provincial and State Papers of New Hampshire*, Vol. x, p. 445.

Isaac Griswold and Moses Smith all of the County of Cheshire and other persons, who may oppose you in the execution of this Order and them safely keep and convey to the Common Gaol in the County of Rockingham, there to remain untill released by Order of the General Assembly, the Committee of Safety, or by due Course of Law. Hereof fail not and make return of this warrant and of your doings herein as soon as may be.

M. WEARE, *Presd*.<sup>1</sup>

State of New }  
Hampshire }

In Committee of Safety Exeter  
Dec<sup>r</sup> 5<sup>th</sup> 1781.

SIR—The Committee deem it necessary to raise the body of the Militia in the Counties of Hillsborough and Cheshire in order to liberate Coll<sup>o</sup> Enoch Hale and others from prison in Charlestown (No. 4) where they are confined by the pretended authority of Vermont. And also for the purpose of securing & committing to Gaol sundry persons, who have acted under the said pretended Authority in this State. For which purpose they have authorized Moses Kelley Esq Sheriff of the County of Hillsborough (provided said Hale is unable to act in the premises) to call to his aid for the purposes aforesaid the body of the Militia in the said Counties.

This is therefore to direct you, when called upon by the said Kelley to raise forthwith such a number of effective men in the County of Hillsborough as he may think necessary compleatly equipped with Arms, and furnished with ammunition and properly officered to attend the said Kelley or Hale and act agreeably to such directions as may be given by them or either of them. You are to take in person the Command of your Troops.

M. WEARE, *Presd*.<sup>2</sup>

The Hon<sup>ble</sup> Brig. Gen<sup>l</sup> Moses Nichols.

State of New }  
Hampshire }

In Committee of Safety Exeter  
Dec. 5<sup>th</sup> 1781.

SIR—Your letter of the 29<sup>th</sup> Ult<sup>o</sup> to the President was received on Sunday evening.<sup>3</sup>

The Committee were summoned to meet in consequence of the same.

They deem it necessary to raise the Body of the Militia in the Counties [of] Hillsborough & Cheshire in order to liberate Col<sup>o</sup> Hale and others and for apprehending and securing sundry persons who have acted under the pretended authority of Vermont.—

For which purpose have Authorized Moses Kelley Esq. Sheriff of the County of Hillsborough (provided said Hale is unable to act in the premises) to call to his aid for the purposes aforesaid, the Body of the Militia in said Counties.—The Committee have wrote Gen<sup>l</sup> Nichols directing him to raise the Body of the Militia in the County of Hillsborough. You will raise as many of the Militia of your County as possible on this occasion and take command of them, that you may be in

<sup>1</sup> *Provincial and State Papers of New Hampshire*, Vol. x, p. 446. Dr Page and Prentice were arrested and imprisoned. Giles and King were also arrested, but were rescued by the Vermont party.—See *Governor and Council*, Vol. II, pp. 341–345.

<sup>2</sup> For this letter see *Governor and Council*, Vol. II, p. 337.

readiness to Co-operate with those raised in the County of Hillsborough and act agreeably to such directions as may be given by said Sheriff or either of them. You have inclosed a Copy of the Act of the General Court directing the procedure in such cases.

M. WEARE, *President*.

Brig. Gen<sup>l</sup> Benjamin Bellows, Esq.

State of New }  
Hampshire }

In Committee of Safety Exeter  
Dec<sup>r</sup> 5 1871.

SIR—As the Committee have thought it necessary to raise a Body of the Militia in the County of Hillsborough and Cheshire to liberate Coll<sup>o</sup> Enoch Hale & others from Charlestown Gaol and for other purposes—This is to direct you to supply the Troops while embodied, with Beef from the Cattle you collect for the Army; and if practicable to exchange a sufficient quantity of Beef to supply them with Bread. But if you cannot make such exchange then to dispose of as many of the said cattle for specie as will raise a sum sufficient to purchase Bread for said Troops while thus embodied—which provision you are directed to deliver to the Sheriff of the County of Hillsborough or Cheshire or to either of their Orders.

M. WEARE, *Presd<sup>t</sup>*.<sup>1</sup>

*Michael Cresey to Gen. Benjamin Bellows.*

SIR—I Beg the Leave to inform your Hon<sup>r</sup> that the Pertened [pretended] Coll. King has sent out: By order as I am informed from Doc: Page to Raise his Rigem<sup>t</sup> to oppose New Hampshire, and that he called the Militia of this Town together yesterday to see who would fight against New Hampshire and that as I am Credably informed there was about Sixty turned out as Vollenters for that Purpose and the sed King Urged them in the Strongest terms to Stand By one another and by thire officers for thire Rights against the State of New Hampshire, assuring them if they stood firm New Hampshire would not fight. it is also reported that he sent over to Capt. Sarjants at Brattilbrough to assist But what return unknown.

Sir—I thought Proper to inform you of these movements and I Pray Heaven to give both you and the State of New Hampshire wisdom to conduct matters wisely at such a Critical day as this. From your most obedient and Humble Sarv<sup>t</sup>

MICHAEL CRESEY.

Chesterfield, Dec<sup>br</sup> y<sup>e</sup> 5<sup>th</sup> 1781.

To Gen<sup>l</sup> Bellows.<sup>2</sup>

*Samuel Livermore to President Weare.*

PHILAD<sup>a</sup> Dec<sup>r</sup> 18<sup>th</sup> 1781.

DEAR SIR—I rec<sup>d</sup> yours of the 4<sup>th</sup> Instant with the Papers inclosed which I this day laid before Congress (except those which contain the maneuvers of Vermont Assembly at Charlestown, which Congress were already possessed of.) Congress appointed a Com<sup>tee</sup> of five to take them

<sup>1</sup> *Provincial and State Papers of New Hampshire*, Vol. x. p. 448.

<sup>2</sup> *Provincial and State Papers of New Hampshire*, Vol. x, pp. 447-449.

into consideration and report. Every member of Congress but one appeared in our favour and against Vermont as far as I could judge. Nevertheless, I do not pretend to predict the measures that will be taken. The labouring Oar I think is on Congress to support their own honour, dignity and authority; I wish to keep it so. I shall further advise of what shall turn up. I am with great esteem your most obed<sup>t</sup> servant.

SAMUEL LIVERMORE.

Hon<sup>ble</sup> President Weare.

The Resolutions of Vermont were bro't to Philadel<sup>a</sup> last week by one Mr. Brunson a Counsellor as I understand of that State. President Wheelock is here & proposes to have no hand in politics, but is trying to get contributions for his Indian School, &c.<sup>1</sup>

*Col. Enoch Hale to President Weare.<sup>2</sup>*

CHARLESTOWN, December 22<sup>d</sup>, 1781.

MUCH RESPECTED SIR—I have this moment an opportunity by Doct<sup>r</sup> Page of paying my Respects to the General Assembly, but the small Entilegence I have Received since my Confinement Puts me under some disadvantage in Righting. The surspention of operation on the part of New Hampshire in support of there Jurisdiction is to me unknown and I Perceive that a further surspention will be Requested on the part of the People on the New Hampshire Grants which I could not object to in Case that might be Productive of an honorable Settlement and the Prevention of human blud. I have urged the Necessity of Jurisdiction on the Part of New Hampshire at least that it should not be arrested out of our hands without any Trial or Consents—You will now sec by the dispatches on there Part that a Trial is Proposed (though in the mean time they chuse to hold the Key) and in case the General Assembly of New Hampshire shall consent to such a Trial to com in for the same in Two separate bodies in the line Proscribed [prescribed] by Confederation for settleing boundary lines I should Expect a surspention of those matters and govern myself as the wisdom of the General Assembly may direct—but in case the Proposals on there Part should appear to the General Assembly of New Hampsh<sup>r</sup> to be inadmissable and no Proposals made by our Assembly should be Complied with—in such case I Humbly Conceive that a surspention of operation would be attended with bad consequences—as sending out orders and counter orders to the militia would be Productive of a spirit of slumber in them and weaken the hands of Government—The wisdom of the General Assembly will direct them—have ownly to ad that I have been used well as a Prisner have had the liberty of the yard and they Now begin to Desier me to Depart out of their Course [coasts.] I am Sir your Honor-as most obedient Humble Serv<sup>t</sup>

ENOCH HALE.

The Hon<sup>ble</sup> President.<sup>3</sup>

The two following letters of Col. Hale were noticed in the *Governor and Council*, Vol. II, pp. 344 and 345—that of Jan. 12 from a statement

<sup>1</sup> *Provincial and State Papers of New Hampshire* Vol. x, p. 452; and *Vt. Historical Collections*, Vol. II, p. 220.

<sup>2</sup> Referred to in *Governor Governor and Council*, Vol. II, p. 341.

<sup>3</sup> *Provincial and State Papers of New Hampshire*, Vol. x, p. 455.

in the *Index to the Stevens Papers* which is hardly just to the Colonel. It is therefore deemed best to give the letters in full.

*Col. Enoch Hale to President Weare.*

WALPOLE, January y<sup>e</sup> 11<sup>th</sup>. 1782.

SIR—I once more venture to Trouble your Hon<sup>r</sup> with a few Lines as I think it to be my duty to give the earliest Intelligence in my power of the conduct of the People in our unhappy County. Sir, as General Bel-lows has Rote I shall omit many things that I should otherwise have mentioned. Could ownly wish to mention the Particular Circumstances of Esquire Giles being Rescued from me a Second Time—and to give the true character of the Inhabitants of the Town of Charlestown, where we are under the disagreeable Necessity of Holding Two Courts in a year without the least help from them or any Town in that Quarter, respecting Jurors &c. and have to undergo the further mortification of well known Combinations Consulting the overthrow of our Courts and the Imprisonment of the officers of the same. But any further on that head I forbear.

Sir, I have had great opportunity of hearing the People in that part of the County finding fault with every movement of our General Assembly—when they thought the militia was coming out, they *said*, Why should the People all suffer for the Rash Conduct of some of these Civil officers, and seemed to condemn the measures they had taken—but, when the Assembly seemed to comply with their own wishes they must still find fault and said, Why do they make night work of it, let them come like men by day light and they would not meet with any difficulty—but still I find what don't suite the will can never suite there hand. It hapned on the Tenth Instant that I took Esquire Giles about twelve miles up the River and Brought him down to Charlestown in open day light, and on my arrival Just at Evening the People collected and arrested him out of my hands in a most extroirdinary manner and all deaf to my commands for assistance, notwithstanding many were Present that had been our Pretended frinds. They soon [soon] held a Consultation for Taking and Carrying me to Bennington, but fearing that would not so well sute, they sent me their Judas to advise me as a frind to make my escape immediately to avoid Going to Bennington. I gave for an Answer that if that was their intention I would Tarry all night. But in the morning I had a second mesage that they would be Ready for me in half an hower. I gave for Answer that that would be time enough for me to take breakfast, which I then called for—and after breakfast I had another mesage that if I did not make my Escape they would Catch me before I got three miles, for which he should be very sorry. I gave for answer that I should have the less way to come back—but if I was not molisted I ment to set out for hom soon, but finding that all their stratigems would not Prevent my Taking breakfast and leaving the Town in an open and Publick manner, they then Rallied all their forces that was Near at hand to the amount of about forty men and a Pretended deputy Sheriff at their head; but for a frunt Gard they Raised some of their most abelist women and sent forward with some men dressed in Womens apparill which had the Good luck to take me Prisoner, put me aboard one of their slays and filled the same with some of their principal women and drove off Nine miles to Williams Tavern in Warpole, the main body following after with acimations of Joy—where they Regailed themselves and then set me at liberty Nothing doubting but that they had intirely subdued New Hampshire.

Sir,—You will pardon me for Righting this Extroydinary letter; I

should not have don it had I not been desierous that plane Facts of there conduct might be Known. Some go in fear, and all good subjects of New Hampshire Grone under the burthen; it has become a serious matter and a Remedy much wanted—and in full believe that the wisdom of the General Assembly will be surficient to direct them I Rest Assured and Remain your Hon<sup>rs</sup> most Obedient and most Hum<sup>bl</sup> Servant

ENOCH HALE.

Hon<sup>ble</sup> Meshach Weare, Esq<sup>r</sup>.

MARLBOROUGH, January y<sup>e</sup> 12<sup>th</sup>. 1782.

SIR I am now returning hom to see my Family which I have not seen since the 26<sup>th</sup> Nov<sup>r</sup>. I may not Expect to Tarry long with them as the outrages in our unhahpy County increase with so much Rippidity—I am willing however to spend the Remaining Part of the winter in the Servis of my Country if I might be able in any degree to Releave the distressed among us.

Sir, I had forgott in my letter of the 11<sup>th</sup> Instant to inform your Hon<sup>r</sup> that I Never Received any order from the Hon<sup>ble</sup> Committee of Safety as mentioned in the Act of the General Assembly of the Twenty Eighth of November last past, which has been a great hinderance in my Progress, for after outrages had been committed I might have secured several of the Perpitratours of the same, had all our good subjects been fully convinced that my authority had been surficient which I think would have had a very great Tendency to Check those that had been so fond of Resquein Prisoners. I am Sir with much Respect Your Honour<sup>e</sup> most Obed<sup>t</sup> Hum<sup>ble</sup> Servant

ENOCH HALE.

Hon<sup>ble</sup> Meshach Weare Esq<sup>r</sup>.<sup>1</sup>

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*Ira Allen to President Bartlett.*

EXETER, Dec<sup>r</sup>. 29<sup>th</sup>. 1781.

SIR—As it appears on all sides that Both New Hampshire and Vermont are willing to submit to Congress the settlement of the Dispute Between the Respective States and as the Legislature of Vermont are not possessed of the Act or Acts of New Hampshire Referring them matters to Congress have to Request a Copy of said act or acts together with a Copy of the Resolution of the Legislature on the Proposals of the Legislature of Vermont, in October last, That I may lay them before the Legislature of Vermont at their session in Jan<sup>y</sup> next thereby to facilitate a settlement at Congress. I am, Sir, with due Respect Your Hum<sup>bl</sup> Serv<sup>t</sup>

IRA ALLEN.

The Hon<sup>ble</sup> Elisha [Josiah] Bartlett, Esq<sup>r</sup>. President.<sup>2</sup>

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*Hon. Matthew Thornton to President Weare.*

MERRIMACK, 29<sup>th</sup> Dec. A. D. 1781.

HON<sup>BLE</sup> & DEAR SIR, The Vermont affair grieves me more than our war with Great Britain. Heathens were shocked when brother killed brother in battle: how much more ought christians to shudder at the

<sup>1</sup> *Provincial and State Papers of New Hampshire*, Vol. x, pp. 480-483.

<sup>2</sup> *Provincial and State Papers of New Hampshire*, Vol. x, p. 460.

very thought of brother killing brother about a line of jurisdiction. For mercy's sake, Sir, if possible, prevent every hostile measure until the honble. Continental Congress explicitly fixes their bounds, and informs them what to depend upon, and New Hampshire to conduct. Taking one man may begin a war, but when, or how it will end, the Great Ruler only knows. From the best information, a great majority on both sides of the river will acquiesce in the determination of Congress: If so, and we wait, all will be peace. If they will not, and we wait, it will be the thirteen United States against the Vermonters. If we do not wait, it may be called a premature act of New Hampshire. I know it is said, take a few of the leaders, and the rest will submit. The British ministry reasoned the same way about Americans. What will the rest be about while our men are taking and bringing away the few. Send an army before they are prepared, many say. They are prepared to begin a war whenever we provoke them, and I presume it will be done very soon. Give them time and they will join with the Britains, Canadians and Indians, are thought powerful reasons for expedition. I think for procrastination, because they have had time sufficient already, and if they intend to prosecute that scheme, it is not best to begin. If so, it ought to be the thirteen United States, and not one of the smallest, to engage them. The power of making war or peace is delegated to the honble. Continental Congress, and it would be impertinent to ask, if one has the power that every State has given up to Congress. Pray, Sir, excuse this trouble. It does not come to dictate, but to ease my mind, anxious for my country and the peace and happiness of mankind. I humbly submit the aforesaid thoughts and the enclosed to your better judgment: And have the honor to be Your most obedient and very humble servant

MATTHEW THORNTON.

The Honble Meshech Weare, Pres. of the Council, State of N. H.<sup>1</sup>

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*Dr. William Payne to Elisha Payne.*

EXETER, [in jail,] January 8, 1782.

DEAR SIR—I have requested for liberty to go home but whether I shall be able to obtain it is uncertain—I am unhappy to find things in such a distracted situation, no man wishes to prevent the present measures more than I do.—the minds of the people in this part of the State are much sowered against those that have taken up government under the State of Vermont—what shall I say,—the Gen<sup>l</sup> Court are determined not to listen to anything but absolute unconditional submission to the Government of New Hampshire, and since Col<sup>o</sup> King has been taken and been Rescued and sundry letters and Representations from that part which I suppose are Agrevated, the Gen<sup>l</sup> Court have ordered two Thousand men to be Raised Immediately in the Counties of Rockingham and Strafford & March them to Subjugate the People in the Counties of Cheshire and Grafton; I understand that a Proclamation is to be Issued and a Standard erected and whoever Refuses to submit to the authority of New Hampshire to be subjected, should this method be proceeded What a scene of distress will open on my friends who appear to me to be innocent and what distress on those that live in that part which are friends to New Hampshire for it will be Equilly distressing to both par-

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<sup>1</sup> *Provincial and State Papers of New Hampshire*, Vol. x, p. 573. The editor of the N. H. State Papers conjectured that "the enclosed" were verses on the death of Col. Alexander Scammel.



ties. Contentiones of this kind will Ruin Society. I have mentioned to some of the Assembly that if the Matter could be put off untill a final determination of Congress could be obtained, the difficulties might subside, as the Resolution New Hampshire principally depend on is not final, nor sufficient to dissolve the Engagements we are under to Vermont, and to Attempt to drive people into Submission under such circumstances to say no more of it is hard. I wish that feelings of Humanity, and as much Consideration as can be consistent with Honour might take place on both sides. I am sorry to find that all our conduct is misconstrued, and our proceedings misrepresented. Who could have thought that after we had by our delegates informed Congress that our situation was such that we could not dissolve the union with Vermont, and desired Congress to Recognize the old limits of Vermont and have the lines settled between the two States agreeable to the mode prescribed by the Articles of Confederation for the settlement of disputes of this Nature, I say, who could have thought after all this, that it would have been said that we had Renounced the authority of Congress. And why Congress took up the matter and left it undetermined, and ordered the people to do what was not in their power is to me unaccountable. I wish I could express my feelings on the subject. Are we to be Killed for not understanding a matter Right, or not doing what was [not] in our power to do—

In addition to what I mentioned in my last, have to observe that at the last Sessions of the Assembly of New Hampshire, the honest deacon Moses Robertson<sup>1</sup> was down and motioned to Gen<sup>l</sup> Folsom and others this plan of settling the dispute between Vermont and New Hampshire or Rather to carry into Execution the Plan proposed by the legislature; if you, said he, will appoint a Number of men to joyn a Number we shall chuse to settle the line between us, I will engage our men shall give it in your favor—and you know who to Appoint; we never had it in view to take the East side of the River only to get Rid of them the first opportunity—who can justify such conduct (you know this is not the sentiments of the people.) I fear the sending the Troops will prevent the method being procured to our advantage as hinted at in last letter by Gen<sup>l</sup> Enos. I am, Sir, your most Obed<sup>t</sup> Servant WM. PAGE.<sup>2</sup>

P. S. The whole State of New Hampshire are to hold themselves in readiness to march if Required.

His Honor Gov<sup>r</sup> Payne, Esq<sup>r</sup>

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*Samuel Livermore to President Weare.*

PHILADELPHIA, Jan<sup>y</sup> 8<sup>th</sup> 1782.

DEAR SIR Nothing material has occurred since my last. Congress are come to no determination concerning Vermont. They are much divided in opinion about the Steps that ought to be taken. However the Committee on that subject have at last reported. The substance of the report is adapted to carry into execution the Resolution of the 20<sup>th</sup> of Aug<sup>t</sup> last; by giving Vermont an opportunity to revise their doings in Oct<sup>o</sup> and renouncing their late acquired jurisdiction on the east of the

<sup>1</sup> Gov. Moses Robinson of Bennington, who doubtless was opposed to a union of Vermont with New Hampshire and New York towns except as a matter of temporary policy. The Benningtonians did not favor the first union with New Hampshire towns, and on the second union they favored the admission of the New York towns.

<sup>2</sup> *Provincial and State Papers of New Hampshire*, Vol. x, p. 473.

river &c. 'Tis proposed to send a Commissioner from Congress to treat with them & to explain matters : and to denounce terror in case of their not complying. Whether this report will be accepted is uncertain; and the effect on the Vermonters is alike uncertain. The report is to be taken up soon. I am Very Anxious about the event of this matter. I am Dear Sir your friend and most obed<sup>t</sup> servant

SAMUEL LIVERMORE.

Hon. Meshech Weare.<sup>1</sup>

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In *Governor and Council*, Vol. II, p. 342, a resolve of the Legislature of New Hampshire is printed, ordering a force to be raised for the defence of the inhabitants of western New Hampshire, and to enable the civil officers to exercise their authority in that quarter. Accordingly the following order was issued :

*Proportion of men to be raised as an armed force to be sent to the western part of the State.*

IN THE HOUSE OF REPRESENTATIVES, Thursday, Jan<sup>y</sup> 10, 1782.

Vote to accept the report of the Committee on proportioning the men to be sent to the western part of the State : to wit. "That the men already voted for that service, shall be raised by draught or otherwise out of the following Regiments, (viz.) Col<sup>o</sup> Wentworth's, Col<sup>o</sup> Evans', Col<sup>o</sup> Moulton's, Col<sup>o</sup> Gilman's, Col<sup>o</sup> Gale's, Col<sup>o</sup> McClary's, Col<sup>o</sup> Stickney's, Col<sup>o</sup> John Webster's, Col<sup>o</sup> Bell's, Col<sup>o</sup> Lovewell's, Col<sup>o</sup> Kelley's & Col<sup>o</sup> Enoch Hale's—to be apportioned by the Maj-Gen<sup>l</sup> of the Militia according to the numbers in each Regiment, including the alarm list ; That they be formed into two Regiments, each Regiment to be commanded by two Field Officers, viz. one Colonel or Lieutenant Colonel, and one Major ; that each Regiment consist of six companies, to be commanded by one captain, one Lieutenant & one Ensign, & a suitable proportion of non-commissioned officers ; That the whole be commanded by a General officer ; That a suitable person be appointed to purchase or collect provisions for the supply of the Troops, & that those Towns in the westerly part of the [State] that shall supply any provisions, shall be allowed for the same out of their outstanding Taxes, or the Tax for the current year ; That the pay and rations be the same as are allowed the officers & soldiers in the service of the United States.

Sign'd

JOHN MCCLARY.<sup>2</sup>

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IN HOUSE OF REPRESENTATIVES, N. H., Jan. 11, 1782.

Col. Israel Morey, as it appears, neglecting his duty as commander of his Regiment, upon report of a committee it was Voted "That Lieut. Col. Charles Johnston be directed to take the command of said Regiment until further order of the General Court."<sup>3</sup>

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<sup>1</sup> *Provincial and State Papers of New Hampshire*, Vol. x, p. 478.

<sup>2</sup> *Provincial and State Papers of New Hampshire* Vol. x, p. 476.

<sup>3</sup> Col. Morey represented Orford in the General Assembly of Vermont in 1778.

On the same day it was voted, That the Hon<sup>ble</sup> Maj<sup>r</sup> Gen. John Sullivan be appointed commander of the Forces now to be sent to the western part of the State: That Lieut. Col. Daniel Runnells take command as Colonel of one of the said Regiments; That Lieut. Col<sup>o</sup> Thomas Bartlett take the command as Colonel of one of the said Regiments; That Maj<sup>r</sup> George Gains be a Major, and that Maj<sup>r</sup> Samuel M<sup>c</sup>Connell be a Major of one of said Regiments.<sup>1</sup>

On the 17<sup>th</sup> of January, it was Voted, that the whole matter of sending an armed force into the western parts of the State, be referred "to the Committee of Safety, and that they be impowered to raise & march them at such time as they shall think proper."<sup>2</sup>

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*Petition of Inhabitants of Claremont.*

To the Honorable General Assembly or Committee of Safety for the State of New Hampshire: We, the Inhabitants, as individuals of the Town of Claremont Laboring under great Difficulties on account of the pretended claim of Vermont, & not being able to Hold Town meetings under New Hampshire, we Humbly Request Directions how to proceed, as we are threatned in person & property, by their taxes and Laws, which we utterly refuse to submit too, they carry so High a hand that we must have a speedy relief or must submit to their Jurisdiction which will be very grievous to your petitioners and therefore we Humbly pray for a speedy answer. We are short in words & perticulars as being sensible you are in some measure knowing to our circumstances, & we your petitioners in Duty Bound shall ever pray. Claremont, Jan<sup>y</sup> 14, 1782.

|                  |                         |
|------------------|-------------------------|
| Elihu Everts     | Josiah Stevens          |
| Henery Stevens   | Elihu Stevens           |
| Rosewell Stevens | T. Sterne               |
| Reuben Petty     | Jesse Matthews          |
| Josiah Rich      | Thomas Jones            |
| John Peckens     | Joseph Ives             |
| Wm. Strobbridge  | Bartlitt Hinds          |
| Gideon Lewis     | John West. <sup>3</sup> |
| David Rich       |                         |

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*President Weare to Samuel Livermore.*

HAMPTON FALLS, Jan. 29, 1782.

DEAR SIR, I received your favors of the 1<sup>st</sup> and 8<sup>th</sup> Instant by the last Post. I am glad that Congress have the affairs of Vermont under consideration. I hope the matter will be pursued until a final settlement is made. I think the honor of Congress, the interest of the United States as well as the peace of this State in particular call for the final resolution of Congress on this matter. The conduct of the Vermonters

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<sup>1</sup> The editor of the New Hampshire State Papers said, "It does not appear that the forces contemplated were ever called into actual service"—as they were not. More reasonable counsels prevailed.

<sup>2</sup> *Provincial and State Papers of New Hampshire*, Vol. x, p. 477.

<sup>3</sup> *Provincial and State Papers of New Hampshire*, Vol. x, p. 483.

is astonishing to me: that when Congress had given them so fair a prospect of being made a separate state and received into the Union upon their renouncing all claim east of Connecticut river, that they should reject this proposal and wholly deny the authority of Congress in the matter, for the sake of keeping up a claim East of the River, for which they have not a shadow of foundation. How far the British councils may influence them in this matter I will not pretend to say, but there is no doubt but they have been negotiating with the Britons on some plan or other. Mr. [Ira] Allen was twice at Canada and once at New York last Summer as I am well informed. I doubt not but Congress will make full inquiry respecting their conduct and come to a final determination. I have heard nothing respecting their conduct since my letter by last Post. Probably may give you some further account in my next. I am with much respect y<sup>r</sup> Hum<sup>l</sup> Serv<sup>t</sup> M. WEARE.<sup>1</sup>

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*President Weare to Samuel Livermore—Extract.*

HAMPTON FALLS, Feb. 4<sup>th</sup> 1782.

\* \* \* I have nothing particular respecting the affairs of Vermont since my last, by what I have heard, they are somewhat more calm.

We hear that Messrs. Allen & Fay are gone to Congress from Vermont. I cannot say what Plan they are now upon but I conjecture they would willingly Renounce all on the east side of Connecticut River if they could be admitted to be a separate State to the West. But whatever may be their schemes I think there cannot be the least danger that they will ever be allowed to hold any thing East of the River. I am impatient to hear how the Affair stands at Congress, hope you will inform me by every opportunity. I am &c. M. WEARE.

Hon. S. Livermore Esq. Copy.<sup>2</sup>

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*Thomas Sparhawk and Benjamin Bellows to the Council of Safety of New Hampshire—Extract.*

To the Hon<sup>ble</sup> Committee of Safety for the State of New Hampshire : GENTLEMEN—It is with great concern we behold the spirit of opposition to the authority and measures of this State advancing with horrid strides within this County,—which is apparent from the conversation and conduct of too many in every Town. The friends of Great Britain have taken unwearied pains to seduce the common People from their allegiance, and herein have been too successful ;<sup>3</sup> and it is morally impossible to convince the People of their danger. The idea of the Tyranny of New Hampshire is immovably fixed. The General Assembly, the Compilers of the Constitution, and the Executive authority have

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<sup>1</sup> *Provincial and State Papers of New Hampshire*, Vol. x, p. 479.

<sup>2</sup> *Provincial and State Papers of New Hampshire*, Vol. x, p. 577.

<sup>3</sup> Probably "the friends of Great Britain" alluded to were the Vermonters who had been in correspondence with Gen. Haldimand, but in fact their last letter to the General was written more than three weeks previous to the date of this letter.

combined together to enslave the People, of which, they say, they are fully apprized and are resolved to free themselves from the shackles. They are determined to raise no men nor pay any Taxes for carrying on the war ; this is a burden they cannot and will not bear ; they have raised too much already for the great ones to pocket &c. a particular detail of conversation of this kind would fill a volume ; a general run whereof you are not unacquainted with—shall not therefore trouble you with any more of it. We have great reason to think that coercive measures must be used in some if not in most of the Towns in this County to collect the Taxes. We were informed yesterday by two persons from Westmoreland that two thirds of that Town are against paying the Tax, and that Capt. Daniel How who hath done much heretofore in the common cause now declares openly for the King of Briton and his Government, and thus it is in almost every place, there are persons of similar sentiments. Chesterfield, Richmond, Claremont, Cornish, Plainfield and Croydon pay no Taxes. The Collector of Beef Cattle hath agreed to his orders notified the Towns of his appointment, and of the time and places of his and his Deputies attending to receive cattle ; some Towns have nearly completed their first payment, and why those above mentioned which most of them are wealthier, have done nothing ; cannot be conceived, unless upon the foregoing Principles of not paying any Taxes at all. Upon the whole we think from the temper and disposition of too many of the People in this part of the State, troublous times are approaching—which may Heaven avert ;—and you and all who are intrusted with our publick concerns be directed in the way to shun and ward off impending dangers. \* \* \* Wishing you, this State, & the United States prosperity, and freedom from popular Tyranny and oppression, We subscribe ourselves, your obedient Humble servants.

THO<sup>S</sup> SPARHAWK  
BENJ<sup>A</sup> BELLOWES.

Walpole, July 30<sup>th</sup>, 1782.<sup>1</sup>

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*President Weare to Benjamin Bellows and Thomas Sparhawk—Extract.*

EXETER Aug<sup>t</sup> 3<sup>d</sup>, 1782.

*Gentlemen*—Your favor of the 30<sup>th</sup> Ult<sup>o</sup> by Mr. Balch has been laid before the Committee of Safety. They are much alarmed & greatly concern'd at the situation of your affairs & the Temper and Disposition, which by the most wicked arts is fomented & kept up among the People in your quarter and are fully convinc'd of the necessity of some proper measures being speedily taken to enforce the Laws of the State & to convince the People how grossly they are imposed upon by crafty & designing Enemies who compass Sea & Land to make Proselytes & to bring all into confusion. But to direct the particular measures that are to be taken to remedy these Evils the Committee think it is not so proper for them to prescribe, especially as the General Court is no nigh at hand. \* \* \* I am Gen<sup>l</sup> Your Hum Serv<sup>t</sup> M. WEARE—*Presid.*

To the Hon<sup>ble</sup> Benjamin Bellows and Thomas Sparhawk Esq. Copy.<sup>2</sup>

<sup>1</sup> *Provincial and State Papers of New Hampshire*, Vol. x, p. 491.

<sup>2</sup> *Provincial and State Papers of New Hampshire*, Vol. x, p. 592.

The second union with New Hampshire towns was dissolved by Vermont in February preceding, so the foregoing letters describe the temper of the people in western New Hampshire subsequent to the last union with Vermont.

The same remark applies to the following :

*Colonel Enoch Hale to President Weare.*

KEENE, February y<sup>e</sup> 11<sup>th</sup>. 1783.

SIR—I received your Honor's favorable advice together with General Sullivan's letter of the 5<sup>th</sup> of January last Respecting my Power in raising the Body of the County if needed to assist me in collecting Publick Taxes, the Legality of which I had not much doubted, but the way & manner of carrying the same into Execution under our present Circumstances is the grand object. But Notwithstanding many difficulties we labour under, I immediately sent orders to Colonel Reuben Alexander to raise the body of his Regiment and to march them into Chesterfield on Tuesday y<sup>e</sup> 21<sup>st</sup> of that month or as many of them as might be sufficient to assist me in carrying the Act of the General Assembly into Execution ; but the clammer of the People has been such that he fears to comply with the orders :—Giving me for Reason that in such case the greater part that could be raised would turn out with intent to mutinize and confound our Proceedings; and the same opinion is prevailing with Capt. Doolittle, Esq<sup>r</sup> Lee, and many others of our well-wishers to Government, some of which affirm that they fear to speak their own opinion openly and wish to be protected in some other manner as the Wisdom of the Gen<sup>l</sup> Assembly might direct,—but in case we cannot have assistance by Troops stationed with us, I could wish to have the militia insured of having an addiquate reward for their servis<sup>es</sup> in case of their being raised in the lower Part of the County. Sir, I could wish to have something mentioned to the General Assembly that I Rote in my second Letter, respecting Personall Estate not being sufficient of the Selectmen of several Towns. I am, Sir, your Honor's most obed<sup>t</sup> hum<sup>ble</sup> serv<sup>t</sup>

ENOCH HALE.

Hon<sup>ble</sup> Mashech Weare Esq<sup>r</sup>.<sup>1</sup>

It cannot be doubted that a large majority of the people of western New Hampshire were earnestly desirous of an union with Vermont. This sentiment doubtless prevailed for some time, and probably a hope of such an union made them reluctant to submit to the laws of New Hampshire.

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For additional documents on the arrest by New Hampshire of Dr. William Page, see *Provincial and State Papers of New Hampshire*, Vol. x, pp. 459, 460, 493, and 594 ; and on the arrest of Nathaniel S. Prentice and others, see same volume, pp. 447, 456-7, and 467.

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<sup>1</sup> *Provincial and State Papers of New Hampshire*, Vol. x, p. 497.

## SURRENDER OF FORT GEORGE—Oct. 13, 1780.

*Articles of Capitulation between Major Carleton, commanding a detachment of the King's troops, and Capt. Chipman, commanding at Fort George.*

*Article 1st.* The troops of the garrison to surrender themselves prisoners of war.

*Article 2d.* That the women and children be permitted to return to their homes, with two waggons and their baggage.

*Article 3d.* Each officer shall be allowed their servants.

*Article 4th.* No Indian to enter the fort until a British detachment takes possession of the fort.

*Article 5th.* Major Carleton passes his honor that no levies in the fort shall be lost, nor any person be molested.

*Article 6th.* Each soldier to carry his knapsack.

*Article 7th.* Ensign Barrett shall be permitted to return home with his family and the regimental books, on giving his parole to Major Carleton.

JOHN CHIPMAN Capt. Com<sup>d</sup> 2d Battalion.

JAMES KIRKMAN, Lt. 29th Regt.

WM. JOHNSTON, Lt. 47th Regt.

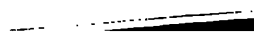
CH<sup>rs</sup> CARLTON, Major 29th Regt. etc., etc., etc.<sup>1</sup>

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<sup>1</sup> Holden's *History of Queensbury, N. Y.*, p. 481—Articles furnished by Dr. F. B. Hough, author of the *Northern Invasion*, and other historical works.







## APPENDIX J.

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### SOME OLD MAPS TOUCHING VERMONT.

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#### MAPS OF LAKE CHAMPLAIN.

1. Champlain's map of Lake Champlain, first published in 1632, and in Charlevoix's *Historie et Description Generale de la Nouvelle France*, &c., Vol. I, opposite p. 226, printed in Paris, 1744. Champlain, in his expedition against the Iroquois, skirted the western shore of the Lake, and gave numerous streams on that side, and fewer of the Vermont streams, to wit, the Michiscouy [Missisquoi,] du Sud [Lamoille,] a la Mouelle [Winooski,] aux Loutres [Otter Creek,] and two considerable streams nearly opposite to Ticonderoga which find no place in modern maps, and were doubtless ravines which were flooded when the water was high in the Lake. It is noticeable that four mines are marked.—See also Shea's *Charlevoix*, Vol. II, opposite to p. 15.

2. French map of Lake Champlain about 1731, in *Documents relating to the Colonial History of New York*, Vol. IX, facing page 1022. This map gives the French names to the Lamoille [la Mouelle,] the Winooski [Quinouskie,] and Otter Creek [aux Loutres,] and the name du Rocher to a small stream which enters the Lake in the town of Georgia.

3. Map of Lake Champlain from the fort Chambly to fort St Frederic or Crown point, Survey'd by M<sup>r</sup> Anger Kings Surveyor in 1732, Made at Quebec the 10 October 1748, Signed, de Lery. This map covers Lakes Champlain and George and a very small part of Hudson's river. It gives the location and bounds of French grants of land on each side of Lake Champlain up to the time of the survey, with the names of the grantees ; and the locations of Queen's fort, built by the English in 1711, of the Lidius mansion with a sketch of it, of Rocher fendu, (Split Rock,) erroneously called Rogers rock in the English translation,) and of the principal islands of Lake Champlain, and the rivers running into it, with their French names.—For this map see *Documentary History of New York*, Vol. I, facing p. 358.

4. Map of French and English Grants on Lake Champlain. This map bears no date, but it was ordered to be made by the Governor and Council of New York Jan. 6th 1772. By "English Grants" are meant grants made by New York, none of the New Hampshire grants being included. French grants not in the preceding map are included. For the first time the principal rivers of Western Vermont appear with nearly their modern names, to wit, Missisqui, Lamoelle, Onion River, (anciently and now Winooski,) and Otter Creek.—For this map see *Documentary History of New York*, Vol. 1, facing p. 368.

5. For map of the Dellius grant see Hiland Hall's *Early History of Vermont*, facing page 490 ; and for part of it see preceding map, No. 4.

6. A Survey of Lake Champlain, including Lake George, Crown Point and St. John. Surveyed by order of His Excellency Major-General Sir Jeffery Amherst, Knight of the most Hon<sup>ble</sup> order of the Bath, Commander in Chief of His Majesty's Forces in North America, (now Lord Amherst,) By William Brassier, Draughtsman. 1762. This beautiful map bears the imprint of Aug<sup>t</sup> 5<sup>th</sup>, 1776, but, evidently, there was a later edition ; as the map has a tracing of the voyage of Arnold to Valcour, and the naval battle there Oct. 11, 1776, and the stations of the vessels engaged. This map embraces several other points of historical interest. A chart of Lake George is also given, surveyed by Cap<sup>t</sup> Jackson in 1756, which shows the depth of water in the main channel and near the shores. It is remarkable that the greatest depth was only sixteen fathoms, or ninety-six feet. For this map see No. 18 of the *American Atlas*, by Jefferys — London, 1776.

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#### MAPS COVERING VERMONT IN WHOLE OR IN PART.

7. Champlain's Map of New France, 1632. This map includes most of the territory of Vermont in New France.—See *Documentary History of New York*, Vol. 3, facing the title-page.

8. Map of New France, and Louisiana from the discoveries of La Salle in 1679, '80, '81 and '82, by Jean Baptiste Louis Franquelin. 1684, Paris. This has been described as "the most remarkable of all the early maps of the interior of North America, though hitherto [1879] completely ignored by both American and Canadian writers." Under the name of New France is embraced the regions drained by streams falling into the St. Lawrence, while those drained by the Mississippi are styled Louisiana. The southern boundary of New France is drawn from the Penobscot to the southern extremity of Lake Champlain, and thence to the Mohawk, which it crosses a little above Schenectady, &c. It will be seen, therefore, that about three fourths of the territory of Vermont was

embraced in New France. For further particulars see *France and England in North America*, by Francis Parkman, Part Third, Boston, 1879, pp. 455-457.

9. Map of the British and French Dominions in N. America in 1755, by Dr. John Mitchell. London, 1755. This map was undertaken by the request of the British Lords Commissioners for trade and plantations, and compiled from surveys made, on the order of the commissioners, by the Governors of American colonies and others. It is especially valuable as showing that the western boundary between New Hampshire and New York was a line twenty miles east of Hudson river to Ticonderoga, and from thence *on the western shore of Lake Champlain*—thus confirming the right of Gov. Benning Wentworth to make the New Hampshire Grants, and the right of Vermont to grant islands in Lake Champlain. For a section of the map to this effect see Hiland Hall's *Early History of Vermont*, facing the title-page.

10. In the *Gentleman's Magazine*, [London, 1755,] Vol. 25, opposite to p. 296, is a Map of the British and French Settlements in North America, showing the encroachments of the French upon British territory. This map shows that the French claimed Vermont to a point as far southward as opposite to Ticonderoga.—For a copy of this map see No. 7 of the *American Atlas*, by Jefferys—London, 1776.

11. Carte des Frontieres Francoises, et Angloises, dans le Canada depuis Montreal jusques au Fort du Quesne—1758. This is a French map, for which see *Documents relating to the Colonial History of the State of New York*, opposite to p. 694.

12. North America from the French of M<sup>r</sup>. d'Anville Improved with the English Surveys made since the Peace [of 1763.] London, 1775. This map bears the following *nota bene*: "The Boundaries of the Provinces since the conquest of Canada are laid down as settled by the King [of England] in Council." By this map the western boundary of New York to Ticonderoga is on the twenty mile line east of Hudson river, and the map is thus a confirmation of Dr. Mitchell's.—See the *American Atlas* by Jefferys, No. 7.

13. A New Map of Nova Scotia and Cape Breton Island with the adjacent parts of New England and Canada, Composed from a great number of actual Surveys, &c. by Thomas Jefferys Geographer to the King: London, 15 June 1775. This map gives as the boundary between New York and New Hampshire twenty miles east of Hudson river to Crown Point. It is remarkable as assigning northwestern Vermont as a part of the "Ancient Country of the Iroquois," locating Abenaka Indians immediately south of the line 45° and marking a station in Vermont of which the editor of this volume can give no satisfactory explanation.—For this map see the *American Atlas* by Jefferys, No. 14.

14. A Map of the most Inhabited part of New England, &c. Divided into Counties and Townships : The whole composed from Actual Surveys, and its Situation adjusted by Astronomical Observations. London, 1774. In this map New Hampshire is given "from the Surveys of Mitchell and Hazard in 1750, especially this last ;" and "Wood Creek with St. Sacrament [Lake George] and part of Champlain Lake, from a French Survey." The map bears this "NOTE. Connecticut River is fixed by his Majesty in Council to be the Bounds between New York and New Hampshire. The Townships coloured Yellow, were granted by the Government of New Hampshire." The New Hampshire Grants are given as far north as Guildhall on the east and Shelburne on the west. No New York grants are noted. A few towns are named which are not in Dr. Williams's list of New Hampshire Grants, in Slade's *State Papers*, but the chief differences from more modern maps are in the names of rivers, the apparently Indian name being given in several instances : the Winooski is Wenousku or French River ; Otter Creek is Otters Creek : West river has the Indian name Wantastiguck added ; Saxton's river is Sexton's ; Black river has the Indian name Cuscaechwack added, and a portage of thirteen miles between Black river and Otter Creek is marked ; Otta Queeche river is named Waterqueechy or Quatackqucohe ; the Ompompanoosuc is Stebbins, and immediately north is Wacte river, which is a branch of the Ompompanoosuc made erroneously to flow into the Connecticut in Fairlee ; Wait's is styled Mahsianquamosee river and is extended nearly to the town of Warren, while Wells is styled Weld's and extended into the present town of Moretown. Evidently central Vermont was imperfectly known.—For this map see the *American Atlas* by Jefferys, No. 15.

15. A Map of the British Empire in North America, by Samuel Dunn, Mathematician, improved from the Surveys of Capt. Carver : London, Aug. 17, 1776. The extreme eastern boundary between New York and New Hampshire is Connecticut river.—See the *American Atlas*, by Jefferys, No. 8.

16. The Provinces of New York, and New Jersey ; with part of Pensilvania, and the Province of Quebec. Drawn by Major Holland, Surveyor General of the Northern District in America. Corrected and Improved, from the Original Materials, By Govern<sup>r</sup> Pownall, Member of Parliament, 1776. This map, so far as Vermont is concerned, is substantially like 14, above described, but contains more of the New Hampshire grants.—See the *American Atlas* by Jefferys, No. 17.

17. A New Map of the Province of Quebec, according to the Royal Proclamation of the 7<sup>th</sup> of October 1763, from the French Surveys Connected with those made after the War, By Captain Carver, and other Officers in His Majesty's Service. London, 1776. This map covers a very small part of Vermont, but locates the Missiasiks Indians in north-

western Vermont and the adjoining territory in Canada. Probably these Indians were subsequently known as the St. Francis tribe, who for a time had a settlement and church at the falls of the Missisquoi and removed to the St. Francis river. Lake Memphremagog is named Lake Memorobka or Memphrimagog, and Missisquoi river is Michiscoui.—See the *American Atlas* by Jefferys, No. 19.

18. A New and Correct Map of North America, with the West India Islands, Divided According to the last Treaty of Peace, concluded at Paris 10<sup>th</sup>. Feby. 1763, wherein are particularly Distinguished the Several Provinces and Colonies which Compose the British Empire, Laid down according to the Latest Surveys, and Corrected from the Original Materials of Gov<sup>r</sup> Pownall, Mem<sup>br</sup>. of Parliam<sup>t</sup> 1777. This map has nothing varying from some others touching Vermont, but contains sundry articles from the treaty of peace of 1763.—See the *American Atlas* by Jefferys, No. 5.

19. A Chorographical Map of the Province of New York in North America, Divided into Counties Manors Patents and Townships; Exhibiting likewise all the private Grants of Land made and located in that Province, Compiled from Actual Surveys deposited in the Patent Office at New York, By Order of His Excellency Major General William Tryon By Claude Joseph Sauthier Esq<sup>r</sup>. London Engraved and Published by William Fadden (Successor to the late Tho<sup>s</sup>. Jefferys Geographer to the King,) Charing Cross, January 1<sup>st</sup> 1779. This map gives New York grants, both townships and private grants, and professes to mark "the land claimed by the Province of New Hampshire" by underscoring the name of each town; but in fact several towns in Vermont, which were granted by New Hampshire, are not underscored, and many are omitted. A marked difference from other old maps in respect to the rivers in eastern Vermont will be found.—For this large and elegantly executed map see the *Documentary History of New York*, preceding the index to Vol. 1.

20. A Chorographical Map of the Northern Department of North America Drawn from the Latest and most accurate Observations. Engraved Printed and sold at New Haven [Conn.] This map bears no date, but it is manifest that its publication must have been nearly simultaneous with that of the one last noticed above. This map will be quite interesting to Vermonters for reasons not necessary to be named, since the map bears upon its face ample and unique explanations. It is given preceding Appendix J in this volume, and it is also in the *Documentary History of New York*, Vol. 4, facing p. 330.

21. Map of Vermont from surveys by Ira Allen, published by him in London, 1798, in *The Natural and Political History of the State of Ver-*

*mont.* This map is unaccountably meagre in towns, none being given in the present Counties of Caledonia, Essex, Orleans, and Lamoille, and but one each in the Counties of Orange and Franklin.—For this map see Ira Allen's History just referred to.

22. VERMONT. Vermont from Actual Survey with all the late additions and improvements, by James Whitelaw Esq. Late Surveyor General. To his Excellency Richard Skinner Esq. this map is respectfully dedicated by the publishr.

EBENEZER HUTCHINSON.

Hartford Vt. A. D. 1821.

This map was, in its day, very complete, giving county and town lines, the date of the grant of most of the towns and the population of each in 1820, with the turnpikes and principal public roads, and marking the location of meeting-houses, court-houses, grammar schools, dwelling-houses of some prominent citizens, post-towns, forts, falls and ferries, bridges, grist, saw, and fulling-mills, iron works, and mountains—Mansfield, the highest, being a notable exception. This map gives a view of the village of Montpelier by Mrs. S. I. Watrous, in which the first state-house, the first court-house, the first church, the first Academy, the first Pavilion, and the Eaton tavern are prominent. One human figure appears in the door of a house in the foreground, being Miss Catharine Couch, afterward Mrs. Cottrell of the old Pavilion. This map may probably be found in almost any of the large towns of the state, but it is usually banished to an attic, or some other "receptacle for things lost upon earth."

The maps noticed in the preceding list are in the Vermont State Library, Franquelin's [8] excepted.

## APPENDIX K.

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### TOUR OF PRESIDENT MONROE IN VERMONT—1817.

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#### AT STRAFFORD AND NORWICH.

The President entered Vermont at Norwich, July 22, [erroneously stated to be the 23d.] 1817, and passed directly through to view the copperas-works in Strafford, after which "he was conducted through Stafford [Strafford] hollow, where he was met by a considerable number of the citizens, received and returned their compliments." From thence he was escorted back to Norwich, and alighted at Curtis's Hotel, where he was met by a number of citizens, and presented with the following Address :

*To the President of the United States, SIR*—A few citizens of Vermont, upon your first entrance on the borders of the State, present you a united and hearty welcome.

With the liveliest emotions of duty we meet, for the first time, a Chief Magistrate of the union within our territory. An emulation to pay respectful attention to the ruler of our nation, appointed by our own choice, under a constitution so eminently calculated for individual security, for individual interests, and national happiness ; a spontaneous burst of joy among all classes of our citizens, at the visit of the President of the United States, are the best pledges a free people can present to a Chief Magistrate, of their contentment with the laws, and the operation of them in the government under the constitution, and their confidence in the administration.

This emulation, joy, and confidence we tender you, Sir ; and in Vermont, it is believed, you will find everywhere these sentiments ; as you have before this, on your present Tour, experienced them in other sections of the union.

These testimonials we present you, Sir, in behalf of our fellow citizens.

To which the President was pleased to return a verbal answer.

The President and suite, with a number of other gentlemen, then partook of a dinner, prepared by Mr. Curtis, in a handsome style. After dinner, the President was introduced to a circle of ladies, collected while the company were dining, for the purpose of seeing him : he was also introduced to a large number of children of the neighborhood. The company, men, women, and children, were highly gratified at the sight



and introduction of the President. He staid in the place about two hours, and then bid the company an affectionate farewell, and left Norwich for Windsor."<sup>1</sup>

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#### AT WINDSOR.

On Tuesday afternoon last, [22d of July,] the President of the United States, and his retinue, were received in this town with all the joy and cordiality which can possibly be expressed. On his arrival, the bells began a joyous peal, and the heavy Artillery intermingled its loud thunder. The American Flag was displayed at the Coffee House, and party spirit, that malignant passion, which has so long been the bane of the United States, was dispelled from every heart.

Our chief Magistrate was received by the committee of Arrangements, Colonel [Capt. Josiah] Dunham, Thomas Leverett, Horace Everett, and Asa Aiken, Esqs. and Dr. [Erastus] Torrey.

A numerous procession was formed by a vast concourse of citizens, both old and young, from this and the neighboring towns, and being escorted by an Artillery company, [Jefferson Artillery, Capt. Cochran,] proceeded through a part of the street on the common in front of the Windsor Academy, where the President was handsomely received by the young Ladies of the Village, and proceeded thence by the Baptist Meeting-house, to Pettes' Hotel, where an address in behalf of the citizens was delivered by Col. [Capt. Josiah] Dunham, to which the President made an extemporaneous reply. After these exercises were over, he was conducted into an apartment, where a most splendid and superb dinner was prepared. He then accepted a polite invitation from Mrs. Dunham, to pass the evening with a splendid party, consisting of towards two hundred ladies and gentlemen. In the midst of his entertainments, where nothing was omitted which could possibly conduce to his enjoyment, an address was presented him by the young Ladies of the *Windsor Female Academy*, to which the President was pleased to return a most flattering reply; the substance of which was afterwards presented by his Secretary in writing. And here we are happy to say, that the President declared, that he had not in his whole tour seen citizens, either male, or female, more inspired with patriotism, and that their conduct sufficiently declared their love for their country. At a late hour he was conducted to his lodgings by the Marshal of the day, (Capt. Thomas,) and a part of the committee of arrangements. The next morning, attended by the whole of the committee, and a number of other citizens, he took an affectionate leave, and proceeded at 6 o'clock on his tour towards the North.

#### *Josiah Dunham's Address to the President.*

SIR,—It is with equal pleasure and pride that the citizens of Windsor so remote from the seat of the general government, embrace this opportunity of tendering to you, in person, the homage of their profound respect; a homage not less becoming the occasion, since it is the best tribute which freemen can offer, and which the President of the United States, *alone*, of all the world, from a free people can receive.

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<sup>1</sup> *President's Tour*, by S. Putnam Waldo, Hartford, Conn., 1819, pp. 230-232.

The state of Vermont, Sir, after having alone, and successfully, borne a signal share in the heat and burden of our revolutionary labours, was the first to appreciate the importance of our federal compact, and to solicit admission into the national union. Under that compact, Sir, in the sanctuary of that union, we are free—we are protected—we are flourishing and happy. Our mountains echo with the cheerful voice of industry and security; our vallies smile with abundance and peace. These blessings are dear to our hearts. We habitually cherish them as inseparable from our existence. In their defence, Sir, we have bled; and we are still ready, should our country call, to bleed again.

In this Tour, undertaken through a remote section of the union, for the additional security of our growing republic, you have an opportunity to become intimately acquainted with our local feelings—our local interests—our republican spirit—but above all, our unshaken attachment to our national government, and our national institutions.

We feel ourselves flattered by this first visit from the chief magistrate of our nation, and in beholding your face, Sir, we behold a new pledge for the continuance of our invaluable blessings.

Placed, Sir, as you have fortunately been, in the executive chair, by the almost unanimous voice of our country, at an auspicious moment, when peace is again restored; when the loud din of party collision is dying away, and when a general tranquility seems pervading the world, we offer you our felicitations on the pleasing event. And while we rejoice in your opportunity, we rely on your wisdom, to co-operate with our enlightened patriots and legislators, in strengthening our republican institutions, and, under the guidance of heaven, to fix, on a durable basis, the happy destinies of a great and rising nation.

From our unqualified respect of your personal character, as well as from the pledge to be found in a long life devoted to the public good, we have a right to anticipate the most pleasing results. In copying the illustrious examples of the great founders of our republic, you cannot fail to advance the best interests, and the true glory of our common country, and thus to erect, in the hearts of your countrymen, an imperishable monument to your own fame. With such feelings, and with such views, in the name and behalf of the citizens of Windsor, we bid you a cordial welcome to this village, and to the state of Vermont.<sup>1</sup>

#### *Reply of the President.*

FELLOW CITIZENS—I have approached the state of Vermont with peculiar sensibility. On a former visit, immediately after the [revolutionary] war, I left it a wilderness, and I now find it blooming with luxuriant promise of wealth and happiness, to a numerous population.<sup>2</sup> A

<sup>1</sup> This is one of the very best addresses to President Monroe during his entire tours in 1817 and 1818, in despite of the facts that Capt. Dunham was a very ardent Federalist, and had been a zealous opponent of Mr. Monroe's election.

<sup>2</sup> In *Governor and Council*, Vol. iv, pp. 423-'4, is a letter from a Virginian, who had visited Vermont in 1791, to a friend in Bennington—probably Gov. Tichenor or Gov. Moses Robinson. The author could not be identified when the letter was incorporated into that volume. From the above statement of President Monroe, it seems fairly inferrible that he was the author. Still the fact that he pointedly condemned the

brave and free people will never abandon the defence of their country. The patriotism of Vermont has been relied on in times of peril; and the just expectation of their virtue was honorably sustained. I shall ever rely on their wisdom in the councils of the nation, as on their courage in the field.

The confidence now universally felt in the stability and efficiency of our government, is the surest pledge, that all judicious measures, adopted for the common good of the nation, will receive the cordial support of all honest and honourable men.

I rejoice with you, that a just sense of the national interests, and more generous feelings pervade the country. It is by cherishing these, with a liberal reference to the prosperity and happiness of the whole union, that the high destiny of our nation can be attained.

The true principles of our policy are now well understood. The people have only to maintain them with vigour and economy, and all the great objects of national concern, under a benign Providence, will be secured to ourselves and our posterity.

JAMES MONROE.

*Address of the young ladies of the Windsor Female Academy.*

SIR—Impressed with a high sense of the honour which the inhabitants of this village receive in being permitted to welcome the Chief Magistrate of the Union, we beg leave, in behalf of the Young Ladies of the Windsor Female Academy, to present you our humble tribute of respect; which, although from the juvenile female pen, will not, we trust, be unacceptable, or deemed entirely beneath you notice. While we regard the President of the nation as the protector of our country, the preserver of our rights and dearest privileges, and the guardian of our literary institutions, our hearts glow with feelings of gratitude, and we delight to address him by the endearing appellation of Patron and Friend. Permit us, Sir, respectfully to congratulate you on your safe arrival in the State of Vermont; on the present happy and prosperous situation of the country over which you are called to preside; that the Olive of peace is now waving where the Clarion of war was heard; and, that your entrance upon public duties, both arduous and important, is at a time when from the general peace and tranquility that reign, you can have leisure to promote the happiness and literary attainments of the rising generation. We feel happy, that the visit, by which our northern states have been so highly honoured, has been undertaken at a time when every thing must have combined to render it pleasant to yourself, as well as to the people; and we believe, that their reception of you has been, and will continue to be such, as is consonant to their views of respect for your private character, and the elevated station you have the honor with so much dignity to fill as the President of the United States. That you may long live in the affections of a free and enlightened people, and that success may crown all your exertions for the public good, is the ardent wish of many a patriotic although youthful female bosom.

*Reply of the President.*

YOUNG LADIES—I beg you to be assured, that no attention which I have received in the course of my route, has afforded me greater satisfaction, than that by which I have been honoured by the Young Ladies of the Female Academy at Windsor. I take a deep interest as a parent

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methods of Matthew Lyon, a brother democrat of the old school, is utterly inexplicable except upon the theory that Mr. Monroe was a more honest man than the ordinary run of great politicians.

and citizen, in the success of female education, and have been delighted, wherever I have been, to witness the attention paid to it. That you may be distinguished for your graceful and useful acquirements, and for every amiable virtue, is the object of my sincere desire. Accept my best wishes for your happiness.

JAMES MONROE.

*The members of the Windsor Female Academy.<sup>1</sup>*

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#### AT WOODSTOCK.

The President, upon the 23d, left Windsor, and was received by the citizens of Woodstock, with such demonstrations of regard as are the spontaneous offering of a free people to a respected Chief Magistrate. A part of the Committee of Arrangements, with a cavalcade of citizens, under the direction of Mr. Hall, and a detachment of cavalry, commanded by Capt. Mack, met the President at Hartland, and escorted him to Woodstock. A discharge of artillery announced the arrival of the President in the village, which he entered on horseback, at 10 o'clock A. M. The citizens were formed in lines on each side of the street; and as the President advanced toward them, he alighted, and conducted by Mr. Hall, and accompanied by Mr. Mason, his Secretary, and Col. Sullivan, he passed up the procession to Mr. Pratt's, where he was welcomed by Mr. [Charles] Marsh and Mr. [Benjamin] Swan, of the Committee of Arrangements, and received under the discharge of a national salute from Capt. Warner's company of artillery from Barnard. The following address was then presented by Mr. Hutchinson:

#### *Hon. Titus Hutchinson to the President.*

SIR—The citizens of Woodstock and vicinity meet the Chief Magistrate of the United States in this place with peculiar pleasure and satisfaction. They consider it an auspicious event, and ominous of good to their beloved country, that you, Sir, have deemed it proper at this time to visit, in person, the various parts of the United States, that you might become personally acquainted, not only with the strength and resources of the country, but, by mingling with various classes of the community, in the different States, might be conversant with the religious, moral, and political opinions of the people, and notwithstanding the variety of these, might witness the unanimity with which they are universally devoted to the best interests, and to the support of the free and excellent political institutions of the country; and how much they delight to honour those, who, with dignity and propriety, preside over them.

They hope and believe, that this patriotic and beneficent deportment, on the part of the President of the United States, will tend to heal the divisions and conciliate the feelings of the different members of community, and draw more closely the bonds of union and interest among the people of the United States.

With these views, and with feelings of the greatest personal respect, they bid you a cordial welcome to their vicinity; and pray, that under

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<sup>1</sup> *Vermont Intelligencer and Bellows Falls Advertiser* of July 28 and Aug. 4, 1817; and Waldo's *President's Tour*, pp. 234-237.

the guidance and direction of Divine Providence, you may be a happy instrument of all that good to our country, which can inspire the heart of a wise, benevolent, and enlightened statesman.

To this the President made a very appropriate answer, reciprocating the sentiments contained in the Address. He observed, among other things, that in the prosecution of his Tour, he was happy to visit the State of Vermont; and that he now met, with satisfaction, the citizens of Woodstock; that he felt duly grateful for the attention and respect which were so liberally manifested to him, and for the facilities afforded him in his progress through the country; that he deemed this a demonstration of their attachment to the laws of their country, and was disposed to receive it rather as a mark of respect to the office of President, than a personal compliment; that as it respected himself, he was confident, that when he retired from office, he should receive the approbation of his fellow citizens, if, by his official conduct, he should merit it. The President made some suitable remarks on the nature of our government, observing that it protected us in the enjoyment of our civil and religious liberties; and that he could not conceive of any rights, which a people ought to enjoy, which were not secured to us by our happy constitution.

The President passed from this place through *Royalton* upon White river, to *Montpelier*, the political capital of Vermont.<sup>1</sup>

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#### AT MONTPELIER.

On Thursday morning last, [July 24,] at 11 o'clock, the President of the United States, with his suite, entered our little village, and received, with apparent satisfaction, the respectful gratulations of a large concourse of the citizens of Washington County.

At 10 o'clock he was met and welcomed by the Committee of arrangements at Mr. Stiles's in Berlin. The procession was then formed under the direction of the Marshals, and proceeded to Montpelier in the following order: Cavalry, two companies under Captains Young and Bailey—Officers in Uniform; Committee of Arrangements, James Fisk, Denison Smith, [both of Barre,] Abel Kuapp, Joel Warren, [both of Berlin,] Timothy Merrill, Jeduthan Loomis, Joshua Y. Vail, Edward Lamb, [all of Montpelier,] David Harrington, [of Middlesex;] Marshal, Col. James H. Langdon; President & Suite; Marshal, Col. Andrew Dewey; Carriages; Citizens on Horseback.

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<sup>1</sup> Waldo's *President's Tour*, pp. 238-240. Undoubtedly the President was duly honored at Royalton, and in every place in which he stopped even for a short time, but the next account found is of the reception at Montpelier.

A little before 11, a discharge of Artillery announced the near approach of the Chief Magistrate of the nation. On entering the Village, he alighted from his carriage, and proceeded with the cavalcade, on horseback, to the Academy, thro' the main street, lined on each side by citizens under direction of Joseph Howes, Esq. Returning to the head of State Street, the President dismounted, was received by the First Light Company, commanded by Lieut. Ezekiel P. Walton, and conducted to the State House under a national salute from the Washington Artillery.

In front of the State-House, between three and four hundred Masters and Misses, Students of the Academy and members of the schools in the Village, dressed in neat uniform, each tastefully decorated with garlands from the field of nature, were arranged in two lines, facing each other in perfect order. Previous to the arrival of the escort, the two companies of Cavalry, with an expedition and regularity which did them honor, had placed themselves at a proper and convenient distance on the left of the juvenile procession. The President walked through this assemblage of youth, uncovering his head, and bowing as he passed, entered the State-House under a fanciful arch of *evergreens*, emblematic, we trust, of the duration of our liberties ; on one side of which were these words—"July 4, 1776," on the other—"Trenton, Dec. 26, 1776,"—when, in front of the house, in the portico of the second story, the Hon. James Fisk, Chairman of the Committee of Arrangements, in presence of the military and a great concourse of assembled citizens, delivered the following

*Address to the President of the United States.*

SIR—The citizens of Montpelier and its vicinity, have directed their Committee to present you their respectful salutations and bid you a cordial welcome.

The infancy of our settlements places our progress in the arts and sciences something behind most of our sister States ; but we shall not be denied some claim to a share of that ardent love of liberty, and the Rights of Man, that attachment to the honour and interests of our country, which *now* so distinguish the American character ; while the fields of Hubbardton, the heights of Walloomsack, and the plains of Plattsburgh, are admitted to witness in our favour.

Many of those, we now represent, ventured their lives in the Revolutionary contest ; and permit us, Sir, to say, the value of this opportunity is greatly enhanced, by the consideration, that we now tender our respects to one who shared in all the hardships and dangers of that eventful period, which gave liberty and independence to our country : nor are we unmindful that from that period until now, every public act of your life evinces an unalterable attachment to the principles for which you then contended.

With such pledges, we feel an unlimited confidence, that should your measures fulfil your intentions, your administration, under the guidance of Divine Providence, will be as prosperous and happy as its commence-

ment is tranquil and promising ; and that the honour, the rights and interests of the nation will pass from your hands unimpaired.

JAMES FISK,<sup>1</sup> *For the Committee.*

*Reply of the President to the Citizens of Montpelier and its vicinity.*

FELLOW CITIZENS—The kind reception which your ardent attachment to the civil and religious institutions of our country have prompted you to give me, is the more grateful, because from citizens, who, having bled in their defence, can never be unmindful of their value.

Though you do not claim pre-eminent distinction in the arts and sciences, yet your highly respectable colleges and schools plainly evince, that in the march of enterprise and industry through the place which recently was a wilderness, the sciences and the arts do not linger far in the rear.

Your confidence in my sincere determination, to administer the government on national principles, is gratefully acknowledged ; and so far as the preservation of the honor, the rights, and interests of the nation unimpaired, may depend upon me, you may rely on my best efforts to accomplish this great and desirable object.

JAMES MONROE.

The President then, with his suite, Committee, Marshals, and Clergy, visited the schools in the Representatives' Room, which was adorned with maps and globes drawn by the scholars ; while the front of the gallery and chandelier displayed a beautiful variety of vines and ornaments. The scholars received him by rising, and Mr. Hill, Preceptor of the Academy, by saying, "*I present to your Excellency, the finest blossoms and fairest flowers that our climate produces*"—he replied "*They are the finest that nature can produce.*" After inspecting the maps and globes, with approbation, he retired—was received at the door by the *Washington Artillery*, commanded by Capt. Timothy Hubbard, and escorted through a line of citizens extending from the State-House to the dwelling of Wyllys I. Cadwell, Esq., where he partook of a cold collation, served up with admirable taste and elegance.

The schools then formed procession, preceded by the First Light Company, with instrumental music, and moved to the academy. In passing the President's quarters they saluted him, the masters by uncovering their heads, the misses by lowering their parasols.

The President having signified his pleasure to dispense with the escort of Cavalry, after taking an affectionate leave of the Committee of Arrangements, ascended his carriage and resumed his journey.

We have neither room nor leisure for lengthy remark. The day was fine. The harmony of feeling and good order of the citizens ; the martial appearance and correct movements of the several military corps, the tokens of general applause, and the approving smiles of the President, all contributed to render the scene truly pleasant and agreeable. But

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<sup>1</sup>Mr. Fisk represented Vermont in Congress 1810-1815, and in Oct. 1817 was elected U. S. Senator. He was both a personal and political friend of President Monroe.

when we speak of the young ladies, the youth and children, language is inadequate to describe or fancy to paint the picture. We can only say, it was indeed an animating and affecting scene to behold the venerable head of the Union, saluted by the pride of their parents and the hope of their country, while beauty sparkled from every countenance, and tears of parental affection rolled down the cheek of many an aged sire.<sup>1</sup>

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#### AT BURLINGTON.

The President reached Burlington in the evening of July 24. A great number of citizens from Burlington and the adjacent towns assembled at Williston to meet him. He was received at that place by the committee and conducted thence to Burlington. A large detachment of cavalry commanded by Maj. Brinsmaid volunteered their services and escorted the President into town. The concourse of citizens was great. Colonel Rice, Marshal of the day, took the happiest measures to render the reception respectful to the President and gratifying to the people. On his arrival at Williston he was greeted with three cheers. On leaving Williston the President was taken up by the escort and conducted through a double row of citizens, mounted on horseback, who counter-marched and formed a procession in the following order :

Escort commanded by Maj. Brinsmaid.  
Col. Rice, Chief Marshal.  
President of the United States and suite.  
Committee of arrangements.  
Selectmen of Burlington.  
Clergy and Government of College.  
Citizens.

The President's arrival at Burlington was announced by a national salute from the battery, immediately after which another salute was fired from one of the United States galleys, lying in the harbor. The bells of the churches were rung during his passage through the different streets, while every one seemed assiduous to testify that respectful attention due to the Chief Magistrate of our country.

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<sup>1</sup> From the Montpelier *Vermont Watchman*, copied into the *North Star* of Aug. 1 and 8, 1817, and nearly all in Waldo's *President's Tour*. The foregoing account was written by the late Gen. Ezekiel P. Walton, father of the editor of these volumes. Gen. Walton never omitted anything of incident or sentiment that would interest his readers. He had been for years a political opponent of the President. The Cadwell house was at that time the best in Montpelier, and the home of governors and prominent public men during the sessions of the Legislature. It is now almost, if not quite, the only badly dilapidated and unoccupied house in Montpelier, situated on a valuable estate in the centre of the village.



At a little distance from the Academy, two hundred and twenty children attached to the institution were paraded on an eminence and saluted the President as he passed. Nothing could exceed the interest this little band excited.

On the President's arrival at his quarters, Hon. Daniel Farrand, chairman of the Committee of arrangements, read the following

*Address to the President of the United States.*

SIR,—In behalf of the inhabitants of the town of Burlington and its vicinity, we have much pleasure in congratulating you on your safe arrival, within this part of the State of Vermont.

Living under a government of our own choice, where birth and hereditary titles create no factitious privileges, where the avenues to office are open to exalted merit, and where virtue and worth confer the only distinctions known to our law, the citizen is under a moral obligation to respect the authorities of his country.

Permit us, Sir, to avail ourselves of the opportunity afforded by this interview to assure you of a cordial reception, and while we testify the high sense we entertain of your private worth, to discharge the pleasing task of tendering to the Chief Magistrate of our country the respect due to his exalted station.

The pleasure of a personal acquaintance is much increased by a knowledge of the objects of your visit. In common with yourself and every virtuous citizen we indulge an honest pride in contemplating the civil institutions of our country and rejoice in every measure which has for its object the protection and security of the people. In proportion to the value we attach to the blessings of rational liberty, should be our exertions to render the enjoyment of them secure. Placed upon the frontier of the United States in situations assailable by the sudden irruptions of an invading foe, the dangers to which we may be exposed give additional value to any precautionary measures of defence.

We rejoice that the noise of war is lost in the busy arts of peace, that the citizen is left to the honest pursuits of industry and enterprise, under a confidence that his interest is identified with that of the public. But you will not believe us alarmed by idle fears, when we assure you that the recent events on this frontier have shown us, that whatever we hold dear may be jeopardized by the chances of war. The citizens of Vermont will not soon forget the memorable eleventh of September 1814, nor fail to appreciate the worth of those who so valiantly defended their country's flag, and secured to themselves immortal glory. The anxious solicitude of that awful but glorious day, has forcibly impressed upon our minds the truth of the position that *peace is the time to prepare for war.*

We are pleased to know that this subject has already engaged your attention. From a personal inspection of the various parts of our extended republic you will be enabled the better to ascertain its vulnerable points and advise to measures of future security. Nor is this subject an uninteresting one. The patriot, whose liberal soul is animated by the prospect of ameliorating the condition of his fellowmen, here finds an object commensurate to his desires, and while he generously devotes himself to the welfare of his country, he is sustained by a consciousness that his exertions have promoted its glory. Nature also seems to have designated our beloved country as the scene of no ordinary exertions. She has here scattered her gifts with a munificent hand and points the way to high and ennobling pursuits. The vast extent of our territory,

the grandeur of its scenery, its mountains, its rivers, its inland seas, together with the progress of population and improvement, combine to render it an object of sublime contemplation.

The alacrity and zeal with which you have engaged in the military and naval defences of our country, is an additional pledge of your honorable motives and patriotic wishes.

That your labor may be crowned with abundant success, and that you may long live to reap the rich reward of a life well spent in the service of your country is our most earnest wish.

DANIEL FARRAND, *For Com't. of Arrangements.*

*Burlington, July 24, 1817.*

*Reply of the President to the Citizens of Burlington.*

FELLOW CITIZENS,—In entering the town of Burlington, I find myself in view of a scene, associated in every bosom with the dearest interests and highest honour of the country. The eventful action on your lake and its invaded shores, can never be contemplated without the deepest emotion. It bound the union by stronger ties, if possible, than ever. It filled every breast with confidence in our arms, and aroused the spirit of the country. The proximity of those scenes shall animate your children to emulate the honourable example of their fathers. They too shall realize, that in the hour of peril, their country shall never want defenders, resolute and brave as their ancestors, and firm as the mountains, that gave them birth.

Truly, no nation has richer treasures of civil or religious liberty to defend. None stronger ties to united and to enlightened and extended patriotism. That a just sense of these truths pervades the community, is evinced in the respect, which you tender to the office of the Chief Magistrate of the country in my person.

The important objects of my tour become the more interesting, as I find the frontier more exposed. You may feel assured that the Government will not withhold any practicable measures for the security of your town, nor have I ever doubted that preparation for defence in time of peace, would ever prove the best economy in war.

If in pursuing these important objects, and administering the government upon principles consonant with the benign spirit of our constitution, my sincere and honest efforts should be crowned, as you wish, with abundant success, it will be a real gratification to myself, that you and your state will eminently participate in the beneficent providential result.

JAMES MONROE.

After the address, the President, accompanied by the committee and a respectable number of gentlemen, sat down to an excellent dinner provided by Mr. Hayes. When the cloth was removed the following toasts were given :

By the President : *The Citizens of Burlington*.—May the scenes which remind them of the glory of their country continue to excite their patriotic emulation.

After the President had retired—*The President of the United States.* Drank standing.

By Mr. Mason : *The glorious 11th September, 1814*.—a day ever to be remembered.

By Col. Totten : Our nation's rights defended by our nation's strength.

By Hon. Daniel Farrand : *Our beloved Country*.—Union in her councils and respect to her constituted authorities.

In the evening the college was splendidly illuminated by the students, and exhibited the President's name in an elegant transparency. The utmost order was observed, and no accident happened to mar the pleasure of the day. Much credit is due to Maj. Brinsmaid and the troop under his command, for their martial appearance and skilful evolutions.

The President breakfasted the next morning with C. P. Van Ness Esq. After breakfast the committee attended him. The government of the college, clergymen of the town, with a number of ladies and gentlemen, waited on him and were presented. Having received their salutations, the President was conducted on board the steamboat *Phoenix*. During his departure a salute was fired from the town, and when going on board a salute was fired from the steamboat. After leaving this place, the President, accompanied by about fifty gentlemen, visited Vergennes, and also the fort just commenced at the line [near Rouse's point,] under direction of Col. Totten of the Engineers, and we understand was much gratified at the able and skilful arrangements made by Col. Totten for the further defence of our country.<sup>1</sup>

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#### AT VERGENNES.

The President visited Vergennes and was undoubtedly received with proper honors, but no account has been found, except these meagre statements in Waldo's *President's Tour*:

The President took his departure from Burlington by water. He was wafted upon the waters of *Lake Champlain* to *Vergennes*, where he examined the extensive iron works there established. He also viewed the place where the fleet of MACDONOUGH was built.

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<sup>1</sup> *Northern Sentinel*, [Burlington,] of Aug. 1, 1817.

## ADDITIONS AND CORRECTIONS.

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Vol. I, p. 107.—The date January 1776, in the sixth line, doubtless should be January, 1777.

Vol. I, p. 109.—Jeremiah Clark of Shaftsbury was not only “probably” but certainly a member of the Council of Safety. Matthew Lyon was not, and Col. Timothy Brownson of Sunderland was, a member of the Council of Safety.

Vol. I, p. 116.—Ira Allen was Councillor eight instead of nine years.

Vol. I, p. 144, *Battle of Bennington*.—No detailed account of this battle has been given in these volumes, for two reasons : one being that the official records of Vermont give no details, and the other because an elaborate account is accessible in the *Vermont Historical Society Collections*, Vol. I, pp. 161-254. The following interesting document, however, did not find a place there :

HEAD-QUARTERS, August 22, 1777.

The Commander-in-Chief has the happiness to inform the army of the signal victory obtained at the northward. A part of General Burgoyne's army, about 1500 in number, were detached towards New Hampshire, and advanced with a design to possess themselves of Bennington. Brigadier-general Starke, of the State of New Hampshire, with about 2000 men, mostly militia, attacked them. Our troops behaved in a very brave and heroic manner. They pushed the enemy from one work to another, thrown up on advantageous ground, and from different posts, with spirit and fortitude, until they gained a complete victory over them. The following is a list of the prisoners, killed, and wounded, viz : one Lieutenant-colonel, one Major, five Captains, twelve Lieutenants, four Ensigns, two Cornets, one Judge Advocate, one Baron, two Canadian officers, and three surgeons, thirty-seven British soldiers, three hundred and ninety-eight Hessians, thirty-eight Canadians, and one hundred and fifty-one Tories taken prisoners. The number of the wounded, exclusive of the above, is about eighty. The number of the enemy who had been slain had not been ascertained, but supposed to be about two hundred. Their artillery, consisting of four brass field-pieces, with a considerable quantity of baggage, likewise fell into our hands.

Our loss consisted of about twenty or thirty killed, and perhaps fifty wounded.

The army is to march to-morrow, [southward, for the battle of Brandywine, &c.,] if it should not rain, in the order appointed—General Greene first, then General Stevens, &c.

GEORGE WASHINGTON.<sup>1</sup>

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<sup>1</sup> *Records of the Revolutionary War*, p. 332.

Vol. I, pp. 176 and 181.—On the occasion of success over Gen. Burgoyne, and the recapture of the British posts near Ticonderoga by Col. John Brown, Maj. Benjamin Wait, and Capt. Ebenezer Allen, Gen. Washington issued the following order :

HEAD QUARTERS, CAMP AT PENNYBACKER'S MILL, }  
September 28, 1777.

The Commander-in-Chief has the happiness again to congratulate the army on the success of the Americans to the northward.

On the 19th inst. an engagement took place between General Burgoyne's army and the left wing of ours, under General Gates. The battle began at 10 o'clock, and lasted till night—our troops fighting with the greatest bravery, not giving an inch of ground. Our loss is about 80 killed, and 200 wounded and missing. The enemy's is judged to exceed 1000 killed, wounded, and taken prisoners, and deserters declare that General Burgoyne, who commanded in person, was wounded in the left shoulder. The 62d [British] Regiment was cut in pieces, and the enemy suffered extremely in every quarter where they were engaged. Such was the ardor of our troops, that wounded men, after being dressed, returned to action.

The Commander-in-Chief has further occasion to congratulate the troops on the success of a detachment of the northern army, under Col. Brown, who attacked and carried several of the enemy's posts, and had got possession of several of the old French lines at Ticonderoga.

Colonel Brown, in those severe attacks, has taken 293 prisoners of the enemy, with their arms, retaken more than 100 of our men, and taken 150 batteaux below the fall in Lake Champlain, including 17 gun-boats, and one armed sloop, besides cannon, ammunition, &c., &c.

To celebrate this success, the General orders that at 4 o'clock this afternoon all the troops be paraded and served with a gill of rum per man, and at the same time there be discharges of 13 pieces of artillery from the park. \* \* \*

GEORGE WASHINGTON.<sup>1</sup>

Vol. I, p. 238.—Col. Timothy Brownson's service as Councillor closed in Oct. 1793, instead of 1794. He was one of the Council of Safety.—See above correction to Vol. I, p. 109.

Vol. I, p. 294.—The date of Gov. Chittenden's letter to President Weare should be Feb. 26th, instead of March 10th, 1779.

Vol. I, p. 424.—The note "eastern" is an error.

Vol. II, p. iv, line 6.—The Minutes were of the *New York* Council.

Vol. II, p. 260.—Luke Knoulton's service as Councillor began Oct. 17, 1789, and was ended by his resignation Oct. 21, 1800.

Vol. II, p. 494, note.—The vote stated in the note was taken at one of the Conventions holden at Manchester and Arlington, March 1 to April 13, 1774. For the proceedings, as modified and published at that time, see Vol. I, pp. 467-472.

Vol. II, p. 506.—Thomas and Thomas A. Peters should be *Samuel* and *Samuel A.*

Vol. IV, p. 41.—Jonas Galusha was Councillor 1793 to 1808; and on p. 534 the reference to Jonas Galusha should be p. 195 instead of 125.

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<sup>1</sup> *Records of the Revolutionary War*, p. 342.

Vol. v, p. 441.—The date of subscriptions by Montpelier should be May, 1858.

Vol. v, p. 189.—John Ellsworth was Councillor two years, 1808 and 1814.

Vol. v, p. 239.—Samuel C. Crafts was Councillor in 1827.

Vol. vi, p. 549, index to Biographical and other notes.—The reference to Samuel Hugh should be p. 430, and to Aaron Leland p. 211.

Vol. vii, p. 65.—John Roberts was Councillor in 1827; and at the close of the Biographical note on Gov. Van Ness, "Hon. B. B. Smalley" should be *Hon. David A. Smalley*.

Vol. vii, p. 25.—"David Hopkins Jr." should be *David Hopkinson*.

Vol. vii, p. 140, last line but one of note.—The word "by" should be *against*.

Vol. vii, p. 164.—"Jonah Jaquith" should be *Josiah Jaquith*.

Vol. vii, p. 300.—Hon. Ezra Hoyt died Aug. 5, 1831, in his 62d year.

Vol. vii, p. 301.—George B. Shaw was graduated at the University of Vermont in 1819 and admitted to the bar in 1822. He died in 1853.

Vol. vii, p. 519, index.—"Rogers, T. W. P." should be *Rogers, T. P. W.*

Vol. viii, p. 3.—It should have been added that Richardson Graves was Councillor in 1835.

Vol. viii, p. 358, fifth line.—The word "southeast" should be *southwest*.

Vol. viii, p. 365.—New Huntington was in the map of 1774, instead of 1744; also p. 366, second line of the last paragraph on the Benning Wentworth grants, 1744 should be 1774. These, with others noted, were typographical errors.

ALPHABETICAL LIST OF GOVERNORS AND LIEUT. GOVERNORS OF VERMONT, MARCH 13, 1778, TO OCTOBER, 1836.

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*Governors.*

Butler, Ezra,† 1826, 1827.  
Chittenden, Martin,† 1813, 1814.  
Chittenden, Thomas, March 1778 to Oct. 1789, and Oct. 1790 to his death, Aug. 25, 1797.  
Crafts, Samuel C.,\*† 1828 to 1831.  
Galusha, Jonas,‡ 1809 to 1813, and 1815 to 1820.  
Palmer, William A.,\*† 1831 to 1835.  
Robinson, Moses,\*† 1789.  
Skinner, Richard,†‡ 1820 to 1823.  
Smith, Israel,† 1807.  
Tichenor, Isaac,\*† 1797 to 1807, and 1808.  
Van Ness, Cornelius P.,‡ 1823 to 1826.

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*Acting Governors.*

Brigham, Paul, Aug. 25 to Oct. 1797.  
Jenison, Silas H., 1835.

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*Lieutenant Governors—1778 to 1836.*

Brigham, Paul, 1796 to 1813, and 1815 to 1820.  
Carpenter, Benjamin, 1779, 1780.  
Cahoon, William,† 1820, 1821.  
Chamberlain, William,† 1813, 1814.  
Egerton, Lebbeus, 1831 to 1835.  
Hunt, Jonathan, 1794, 1795.  
Jenison, Silas H., 1835.  
Leland, Aaron, 1822 to 1827.  
Marsh, Joseph, March 1778 to 1779, and 1787 to 1790.  
Olcott, Peter,‡ 1790 to 1794.  
Olin, Henry†, 1827 to 1830.  
Payne, Elisha,‡ [of Lebanon, N. H.,] 1781.  
Richards, Mark,† 1830.  
Spooner, Paul,‡ 1782 to 1787.

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\* U. S. Senator. † Member of Congress. ‡ Judge of the Supreme Court.

# ALPHABETICAL LIST OF MEMBERS OF THE COUNCIL OF SAFETY AND COUNCIL, 1777 TO 1836.

## COUNCIL OF SAFETY—July 8, 1777, to March 12, 1778.<sup>1</sup>

|   |   |
|---|---|
| Allen, Heman, Colchester,                   | Clark, Jeremiah, <sup>*</sup> Shaftsbury,   |
| Allen, Ira, Colchester,                     | Clark, Nathan, Bennington,                  |
| Bayley, Jacob, Newbury,                     | Fay, Jonas, <sup>¶</sup> Bennington,        |
| Brownson, Timothy, <sup>*</sup> Sunderland, | Fay, Joseph, Bennington,                    |
| Carpenter, Benjamin, <sup>†</sup> Guilford, | Robinson, Moses, <sup>*†¶</sup> Bennington, |
| Chittenden, Thomas, Williston,              | Spooner, Paul, <sup>†¶</sup> Hartland.      |

## *Secretaries to the Council of Safety.*

Allen, Ira, Colchester, July 8 to Sept. 6, 1777.

Fay, Joseph, Bennington, Sept. 6, 1777, to March 12, 1778.

## COUNCILLORS—March 13, 1778, to October 1836.

Allen, Ira, Colchester, March 12, 1778 to Oct. 1785.

Allen, Ira H., Irasburgh, 1828 to 1831.

Allis, Elisha, Brookfield, 1799 to 1803.

Andrus, John H., Danby, 1820 to 1822.

Arnold, Jonathan, St. Johnsbury, 1790 to 1793.

Austin, Apollos, Orwell, 1809.

Bayley, Jacob, Newbury, March, 1778 to Oct. 1779, and 1786 to 1794.

<sup>1</sup> The Council of Safety had the powers of the Council under the first constitution "until the new Council be declared chosen."—See *Governor and Council*, Vol. I, p. 108.

<sup>\*</sup> In the list of members in the *Governor and Council* Vol. I, p. 109, Matthew Lyon appears as being probably a member. On the meeting of the first General Assembly, March 12, 1778, Col. Timothy Brownson of Sunderland was appointed on the canvassing committee: as he was not a member of the Assembly, it is therefore certain that he, and not Lyon, was one of the Council of Safety.

<sup>\*</sup> In the list above referred to Maj. Jeremiah Clark of Shaftsbury was named as probably a member: but as he was one of the first canvassing committee and was not in the Assembly, it is certain that he was one of the Council of Safety.

<sup>\*</sup> Governor. <sup>†</sup> Lieut. Governor. <sup>‡</sup> U. S. Senator. <sup>¶</sup> Member of Congress. <sup>¶¶</sup> Judge of the Supreme Court. <sup>\*\*</sup> Judge of the State Circuit Court.



- Baylies, Nicholas,¶ Montpelier, 1814.  
 Beardsley, Herman R., St. Albans, 1834.  
 Bell, Harvey, Middlebury, 1835.  
 Berry, Joseph, Guildhall, 1819 to 1825.  
 Birchard, Austin, Newfane, 1833 and 1834.  
 Bliss, Frederick, Georgia, 1809 to 1813, and 1815 to 1819.  
 Bowker, Joseph, Rutland, March 1778 to 1784.  
 Bradley, William C.,|| Westminster, 1812.  
 Brainerd, Joseph H., St. Albans, 1831 to 1834.  
 Bridgman, John, Vernon, Oct. 17, 1799 to 1800.  
 Brigham, Paul,† Norwich, 1792 to 1796 ; and Oct. 14, 1796 to 1813, and 1815 to 1820, Councillor by virtue of his office as Lieutenant Governor.  
 Brown, Milton, Worcester, 1835.  
 Brownson, Timothy, Sunderland, March 1778 to 1785, and 1787 to 1794.  
 Buckingham, Jedediah P., Thetford, 1808.  
 Burt, Benjamin, Westminster, Nov. 1, 1798 to 1799, and Oct. 21, 1800 to 1801.  
 Butler, Ezra,\*|| Waterbury, 1807, 1809 to 1813, and 1815 to 1826.  
 Butler, James D., Rutland, 1814.  
 Cahoon, George C., Lyndon, 1833 and 1834.  
 Cahoon, William,¶|| Lyndon, 1815 to 1820 ; and as Lieutenant Governor 1820 and 1821.  
 Cameron, John, Ryegate, 1811 and 1812.  
 Carpenter, Benjamin,† Guilford, March, 1778 to 1779 ; and 1779 and 1780 as Lieut. Governor.  
 Chamberlain, William,¶|| Peacham, 1796 to 1803 ; and 1813 and 1814 as Lieutenant Governor.  
 Chandler, John W., Peacham, 1814.  
 Chandler, Thomas, jr.,¶ Chester, 1779 and 1780.  
 Chipman, Daniel,|| Middlebury, 1808.  
 Chittenden, Noah, Jericho, 1801 to 1812.  
 Chittenden, Truman, Williston, 1815 to 1828.  
 Clark, Jeremiah, Bennington, March, 1778 to 1781.  
 Clark, Myron, Manchester, 1828 to 1831.  
 Clark, Samuel, Brattleborough, 1828 to 1831.  
 Cobb, Daniel, Strafford, 1831 to 1835.  
 Cotton, John H., Bradford, 1819 and 1820.  
 Crafts, Samuel C.,\*¶|| Craftsbury, 1809 to 1813, and 1825 to 1828.  
 Crawford, David, Putney, 1835.  
 Crawford, Theophilus, Putney, 1816 to 1820.  
 Dana, Daniel, Guildhall, 1808, 1813, and 1814.  
 Dana, Israel P., Danville, 1822 till 1827.  
 Dana, Josiah, Chelsea, 1821 to 1826.  
 Davis, James, St. Albans, 1829 to 1831.

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\* Governor. † Lieut. Governor. ‡ U. S. Senator. || Member of Congress. ¶ Judge the Supreme Court. \*\* Judge of the State Circuit Court.

- Deming, Benjamin F.,|| Danville, 1827 to 1833.  
 Denison, Gilbert, Guilford, 1809 to 1812.  
 Doolittle, Joel,¶ Middlebury, 1815 to 1818.  
 Ellsworth, John, Greensboro, 1808 and 1814.  
 Emmons, Benjamin, Woodstock, March to Oct. 1778, and 1779 to 1785.  
 Fassett, John jr.,¶ Arlington and Cambridge, 1779 to 1787, and Oct. 31, 1787, to 1795.  
 Fay, David,¶ Bennington, 1817 to 1821.  
 Fay, Jonas,¶ Bennington, March 1778 to 1785.  
 Fletcher, Asaph, Cavendish, 1803 to 1808.  
 Fletcher, Samuel, Townshend, 1779 to 1789, 1808, and 1813.  
 Forbes, Abner, Windsor, Oct. 1828 until his death, Dec. 29, 1828.  
 Fitch, Lyman, Thetford, 1826 and 1827.  
 Flint, Martin, Randolph, 1835.  
 French, Haines, Maidstone, 1809 and 1810.  
 Galusha, Jonas,\*¶ Shaftsbury, 1793 to 1808.  
 Graves, Richardson, Concord, 1831 to 1834, and 1835.  
 Green, George, Swanton, 1834, and 1835.  
 Griswold, William A., Burlington, 1833, and 1834.  
 Hall, William jr., Rockingham, 1814.  
 Hammond, Thomas, Pittsford, 1816 to 1820.  
 Hammond, Thomas D., Orwell, 1835.  
 Harrington, William C., Burlington, 1812 to his death, July 15, 1814.  
 Harris, Jedediah H., Strafford, 1828 to 1831.  
 Harvey, Walter, Barnet, 1835.  
 Hatch, Reuben, Tunbridge, 1808.  
 Hatch, Uriel C., Cavendish, 1822.  
 Holley, Samuel H., Bristol, 1823 to 1828.  
 Hopkinson, David jr., Guildhall, 1827.  
 Howe, Zimri, Castleton, 1831 to 1835.  
 Hoyt, Ezra, New Haven, 1828 to 1831.  
 Hubbard, Josiah, Thetford, 1814.  
 Hunt, Jonathan, Senior,† Vernon, 1786 to 1794; and as Lieut. Governor 1794 and 1795.  
 Hunter, William,|| Windsor, 1809 to 1814, and 1815.  
 Hunter, William G., Windsor, 1830.  
 Jacob, Stephen,¶ Windsor, Oct. 15, 1796, to 1802.  
 Janes, Henry F.,|| Waterbury, 1830 to 1835.  
 Jenison, Silas H.,\*† Shoreham, 1832 to 1835; and as Lt. Governor 1835.  
 Judd, Eben W., Middlebury, 1822.  
 Keyes, Elias,|| Stockbridge, 1803 to 1814, and 1815 to 1818.  
 Knoulton, Luke,¶ Newfane, Oct. 17, 1789, to Oct. 21, 1800.  
 Langdon, Chauncey,|| Castleton, 1808, 1823 to 1830.

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\* Governor. † Lieut. Governor. ‡ U. S. Senator. || Member of Congress. ¶ Judge of the Supreme Court. \*\* Judge of the State Circuit Court.

Leland, Aaron,† Chester, 1818 to 1822; and as Lieut. Governor 1822 to 1827.

Leavenworth, Nathan, Hinesburgh, 1831 to 1833.

Loomis, Beriah, Thetford, 1801 to 1808, 1809 to 1814.

Loveland, Samuel C., Reading, 1831 to 1834.

Lyman, Job, Woodstock, 1829.

Lynde, Cornelius, Williamstown, Oct. 11, 1794, to 1799.

Lyon, Asa,|| South Hero and Grand Isle, 1808.

Marsh, George P.,|| Burlington, 1835.

Marvin, Ebenezer, Tinmouth and Franklin, 1791 to 1802.

Mattocks, Samuel, Tinmouth, 1785 to Oct. 14, 1786.

Merrill, Orsamus C.,|| Bennington, 1824 to 1828.

Miller, Solomon, Williston, 1799 to 1803, and 1808, 1813, and 1814.

Murdock, Thomas, Norwich, March 1778 to 1779, and 1784 to 1790.

Niles, Nathaniel,|| Fairlee, 1785 to 1786, 1789, and 1803 to 1808.

Olcott, Peter,†|| Norwich, March 1778 to 1779, 1781 to 1790, and as Lieut. Governor 1790 to 1794.

Olin, Gideon,|| Shaftsbury, 1793 to 1798.

Olin, Henry,|| Leicester, 1820 and 1821; and as Lieut. Governor 1827 to 1830.

Painter, Gamaliel, Middlebury, 1813 to 1815.

Payne, Elisha,†|| Cardigan and Lebanon, N. H., Oct. 1778 to 1779; and as Lieut. Governor 1781.

Peaslee, Daniel, Washington, 1816 to 1819.

Peck, John, Waterbury, 1825.

Pettibone, John S., Manchester, 1831, and 1835.

Phelps, Charles, Townshend, 1820 to 1823.

Phelps, John, Guilford, 1831 to 1833.

Phelps, Samuel S.,†|| Middlebury, 1831.

Pierpoint, Robert,\*\* Rutland, 1825 to 1831.

Porter, Thomas,|| Tinmouth, 1782 to Oct. 29, 1794.

Pratt, Joel, Manchester, 1821 to 1824.

Proctor Jabez, Cavendish, 1822 to 1827.

Richards Mark,|| Westminster 1813 and 1815; and as Lieut. Governor 1830.

Roberts, John, Whitingham, 1823 to 1828.

Robinson, Elijah, Weathersfield, Oct. 29, 1794, to 1802.

Robinson, Jasper, Brownington, 1831 to 1835.

Robinson, Moses, Senior,\*†|| Bennington, March, 1778 to 1786.

Robinson, Moses, jr., Bennington, 1814.

Safford, Samuel, Bennington, 1782 to 1805.

Seymour, Horatio,† Middlebury, 1809 to 1814.

Shaw, Samuel,|| Castleton, 1807.

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\* Governor. † Lieut. Governor. ‡ U. S. Senator. || Member of Congress. ¶ Judge of the Supreme Court. \*\* Judge of the State Circuit Court.

Shepardson, Samuel, Guilford, 1803 to 1808.

Sherman, Isaac, Sandgate, 1832 to 1835.

Smith, Noah, ¶ Bennington and Milton, 1798 to Oct. 29, when he resigned.

Smith, Pliny, Orwell, 1810 to 1813, and 1815 to 1819.

Spencer, Abel, Clarendon and Rutland, Oct. 13, 1798, to 1801.

Spooner, Eliakim, Westminster, Oct. 17, 1801, to 1808.

Spooner, Paul, †¶ Hartland, March 1778 to 1782; and as Lieut. Governor 1782 to 1787.

Stanley, Timothy, Greensborough, 1815 to his death, on the 15th of April, 1825.

Starkweather, E. H., Irasburgh, 1835.

Stevens, Elias, Royalton, 1814.

Strong, John, Addison, 1786 to 1803.

Tarbox, James, Randolph, 1815.

Thompson, John C., ¶ Burlington, 1827 to 1831.

Throop, John, ¶ Pomfret, 1779 to 1786.

Tichenor, Isaac, \*†¶ Bennington, Oct. 21, 1786, to Oct. 25, 1791.

Todd, Timothy, Arlington, 1798 to 1801.

Tomlinson, Abel, Vergennes, 1818 to 1820.

Walbridge, Ebenezer, Bennington, 1786 to 1796.

Wardner, Allen, Windsor, 1834 and 1835.

Warner, Joseph Senior, Sudbury, 1820 to 1822.

Wetmore, Seth, St. Albans, 1819 to 1829.

Wheelock, Ebenezer, Whiting, 1803 to 1808.

White, John, Georgia, 1794 to 1798, and 1801 to 1808.

Williams, Samuel, Rutland, 1795 to 1799.

Williams, Stephen, Rutland, 1802.

Willoughby, Zerah, Fletcher, 1808 and 1814.

Witherell, James, ¶ Fairhaven, 1802 to 1807.

Woodward, Bezaleel, Hanover, N. H., 1781 to Feb. 1782.

Worthington, George, Montpelier, 1827 to 1831.

Wright, Josiah, Pownal, 1805 to 1808, 1809 to 1814, and 1815 to his death on the 1st of Jan. 1817.

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\* Governor. † Lieut. Governor. ‡ U. S. Senator. ¶ Member of Congress. ¶ Judge of the Supreme Court.

## SECRETARIES TO THE GOVERNOR AND COUNCIL.

- Allen, Ira, Colchester, *pro tempore*, 1785.  
 Barber, Edward D., Middlebury, Oct. 19, 1831, to Oct. 19, 1832.  
 Buck, Daniel, Norwich, *pro tempore*, 1784.  
 Chandler Thomas, jr., Chester, March 1778 to Oct. 1778.  
 Conant, Samuel S., Brandon probably, *pro tempore*, 1822.  
 Fay, John, Bennington, *Deputy*, 1794.  
 Fay, Jonas, ¶ Bennington, *pro tempore*, 1779, 1781.  
 Fay, Joseph, Bennington, Nov. 24, 1778 to 1784, 1786 to Oct. 18, 1794 ;  
*pro tempore*, 1784 and part of 1786.  
 Hall, Lot, Westminster, *pro tempore*, 1783 and 1784.  
 Kellogg, Daniel, ¶ Rockingham, Oct. 11, 1823, to Oct. 11, 1828.  
 Lyon, Matthew, ¶ Arlington, *Deputy*, April 9 to June 4, and July 17 to  
 Nov. 24, 1778, and March 1779.  
 Mallery, Rollin, C., ¶ Castleton, Oct. 14, 1807, to Oct. 14, 1808 ; Oct. 14,  
 1809, to Oct. 26, 1813, and Oct. 14, 1815, to Oct. 16, 1820.  
 Manser, George B., Williston, Oct. 19, 1832, to Oct. 1836.  
 Page, William, jr., probably Rutland, Jan. 26, 1804, to Oct. 14, 1807,  
 and Oct. 14, 1808, to Oct. 14, 1809.  
 Shaw, George B., Danville, Oct. 12, 1828, to Oct. 19, 1831.  
 Squier, Truman, Manchester, Oct. 18, 1794, to Oct. 15, 1798.  
 Swift, Samuel, Middlebury, Oct. 26, 1813, to Oct. 14, 1815.  
 Temple, Robert, Rutland, Oct. 16, 1820, to Oct. 11, 1823.  
 Throop, Amos, probably Pomfret, *pro tempore*, 1786.  
 Tichenor, Isaac, \*†¶ Bennington, *pro tempore*, 1786.  
 Tolman, Thomas, 1784 and 1785, and *pro tempore*, 1781 to 1784.  
 Whitney, Lemuel, Brattleborough, *pro tempore*, 1802.  
 Whitney, Richard, Oct. 15, 1798 to 1804.  
 Woodward, Bezaleel, Hanover, N. H., *pro tempore*, 1781.

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\* Governor. † U. S. Senator. ¶ Member of Congress. ¶ Judge of the Supreme Court.

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## CHRONOLOGICAL INDEX

TO

HISTORICAL DOCUMENTS, NOTES, AND REFERENCES—

VOLS. I TO VIII.

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In the act of Nov. 15, 1872, providing for the printing of the Journals of the Council of Safety and of the Governor and Council, with contemporary public documents, it was provided that such record should not be printed faster than one volume of convenient size each year. On receiving an appointment to do this work, the question necessarily presented was, whether to spend some years in gathering contemporaneous documents, or to begin at once the publication of the official records in chronological order, and to trust to a distribution of the volumes to elicit the furnishing of historical papers which were not in the possession of the State. The latter course was adopted, and the result has proved, with great success. The result has been to secure many important papers which the State did not possess, and to complete the work in the shortest time and at the smallest expense possible. As a necessary consequence, the historical documents are not consecutive, and in order to remedy this defect it has been deemed necessary to give the following chronological index, to enable those who desire to study the history of Vermont to do so intelligently, and in the most convenient way possible, so far as these volumes are concerned. The State of New York has expended some three hundred thousand dollars for its documentary history, but the editor of these volumes flatters himself that Vermont has been quite as well served at one tenth of the expense.

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\*.The editor of these volumes has ascended Knox mountain in Orange, and Spruce mountain in Plainfield, thinking that these would be the most likely to be



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selected for an ascent from Bradford, where the Peters's family resided. From the summit of Spruce mountain a view across Lake Champlain was obtained, and also to the Connecticut river as near as to the hill directly west of Wells river village. He has since been informed that at a spot about twenty rods north of the summit of Spruce mountain, he could have obtained a view of both Lake Champlain and Connecticut river. This, if it be true, serves to confirm Peters's claim that VERDMONT was there first named, in October, 1763.

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## ACKNOWLEDGMENTS.

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Thanks are due to WILLIAM B. PALMER Esq. of Danville for a very small miniature of the late Gov. WILLIAM A. PALMER. It is the only portrait in the Governor's family, and was painted when its subject was quite a young man. The artist has very cautiously endeavored to add marks of age corresponding somewhat to the time when Gov. Palmer was in the executive chair, but the editor is of opinion that the portrait is still too young for that period; he has been informed, however, that it is more satisfactory to the family of the Governor than is the miniature.

For the portrait of Gov. JENISON, certainly an excellent one, the editor is indebted to a lithograph in the Rev. JOSIAH F. GOODHUE's *History of the Town of Shoreham*.

The very large addition of historical documents in this volume is due almost exclusively to Vol. x of the *Provincial and State Papers of New Hampshire*, published in 1877; the last work, it is believed, of the late Rev. and excellent NATHANIEL BOUTON, D. D.

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NOTE ON THE FAMILY OF HON. SAMUEL PRENTISS.—Judge Prentiss and wife had eleven sons and one daughter—the daughter and one son dying in infancy. Of the ten sons who reached maturity, nine were lawyers and the tenth was Clerk of the U. S. Court for the District of Vermont. The printers made bad work in the close of the note in Vol. v., p. 402. Samuel B. Prentiss is Judge of the Court of Common Pleas and District Court of Ohio. Two of the six surviving sons of Hon. Samuel Prentiss now reside in New York, two in Ohio, one in Wisconsin and one in Minnesota.

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